SENATE—*Friday, February 6, 1970*

The Senate met at 11 o'clock a.m., and was called to order by the President pro tempore (Mr. RUSSELL).

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal Father, as we open our hearts to Thee for daily renewal, we ask Thee to deliver us from the tyranny of the trivial, from slavery to desk pads and appointment calendars, from the paralysis of analysis, and from all that corrupts or stifles the movement of Thy spirit within us. Help us to keep the windows of our souls open to beauty, goodness, and truth, to make time for friendship and prayer. Enable us to do our best to present ourselves to God as approved workmen who have no need to be ashamed, rightly handling the word of truth.

Through Jesus Christ our Lord. Amen.

THE JOURNAL

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, February 5, 1970, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed the following joint resolutions, in which it requested the concurrence of the Senate:

H.J. Res. 251. Joint resolution to authorize the President to proclaim the last Friday of April 1970 as "National Arbor Day";

H.J. Res. 481. Joint resolution designating February 1970 as "American History Month"; and

H.J. Res. 703. Joint resolution authorizing the President to proclaim the period April 20 through April 25, 1970, as "School Bus Safety Week."

The message also announced that the House had agreed to a concurrent resolution (H. Con. Res. 497) providing for an adjournment of the two Houses from February 10, 1970, to February 16, 1970, in which it requested the concurrence of the Senate.

HOUSE JOINT RESOLUTIONS REFERRED

The following joint resolutions were severally read twice by their titles and referred to the Committee on the Judiciary:

H.J. Res. 251. Joint resolution to authorize the President to proclaim the last Friday of April 1970 as "National Arbor Day";

H.J. Res. 481. Joint resolution designating February 1970 as "American History Month"; and

H.J. Res. 703. Joint resolution authorizing the President to proclaim the period April 20 through April 25, 1970, as "School Bus Safety Week."

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the order entered yesterday, the Chair now recognizes the distinguished Senator from Wyoming (Mr. HANSEN) for not to exceed 30 minutes.

Mr. HANSEN. I thank the Chair.

Mr. BYRD of West Virginia. Mr. President, will the Senator from Wyoming yield for a unanimous-consent request, with the understanding that he does not lose his right to the floor under the previous order?

Mr. HANSEN. I am happy to yield to the Senator from West Virginia with that understanding.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

TASK FORCE RECOMMENDATIONS ON OIL IMPORT CONTROLS

Mr. HANSEN. Mr. President, the proposed tariff plan to replace the present mandatory oil import program, according to press reports and copies of the task force staff analysis and recommendations, is designed to drive the domestic price of crude oil down.

Never before, to my knowledge, has the Government of the United States imposed a tariff system on any commodity with the stated objective of damaging a domestic industry, especially one as vital and important as the petroleum industry.

Although I cannot believe the President would approve a plan so contradictory to our system of free enterprise and one that could set a dangerous precedent in U.S. trade policy, I would like to discuss the effects such a plan could have on the domestic oil industry and, particularly, the independent segment of that industry.

The Independent Petroleum Association of America which represents the thousands of small and independent oil and gas producers of the Nation, as distinguished from the major integrated oil companies, has prepared an economic model of the independent segment of the oil- and gas-producing industry. They have done this to prove their contention that the tariff plan would literally drive the small independent producers and refiners out of business and do so quickly.

I would like to quote the following summary of their 51-page report which, I understand, was run through a computer several dozen times to insure its accuracy and reliability. I quote from the summary:

ECONOMIC MODEL OF THE INDEPENDENT SEGMENT OF THE DOMESTIC OIL- AND GAS-PRODUCING INDUSTRY

An economic model of the independent segment of the domestic oil- and gas-producing industry has been prepared as an analytical tool for evaluating the impact of changes in price and other economic factors on independent oil and gas producers. The basic concepts, assumptions, methodology, and input data for the economic model are set forth in subsequent sections of this report. The following brief review of changing conditions during the past twenty-five years provides a background for considering projections of future trends.

HISTORICAL BACKGROUND

During the decade immediately following World War II, domestic production of crude oil and natural gas of both major integrated companies and independent producers, as a group, increased steadily and substantially. This period also witnessed increases in crude oil prices and rapidly rising demand for oil and natural gas. Total crude oil production by independents reached a peak in 1956—this was also the peak year for drilling activity in the United States.

Since 1956 the larger companies in the industry accounted for all the increase in U.S. crude oil production. This reflects the acquisition of properties by larger companies, sell-outs by independent producers, and increased activity in areas involving large capital requirements such as on the Continental Shelf and the new petroleum provinces in the State of Alaska.

The decade 1956–1965 witnessed a dampening in the growth of oil demand and a deterioration of crude oil and refined products prices, despite restrictions on imports of petroleum while natural gas prices came under control of the Federal Government even before the start of this period.

From 1956 to 1968 total exploration and development expenditures by the larger companies increased by 56 percent, while such expenditures by independent producers as a group *declined* 47 percent.

To sum up, the relative position of the smaller units, as a group, in U. S. exploration, development and production activities has declined steadily since the mid-50's. The multiplicity of effort needed in the search for new oil and gas deposits has therefore been substantially reduced and this has been reflected in a leveling off of oil and gas proved reserves.

Total proved U. S. reserves of crude oil and natural gas liquids increased from about 24 billion barrels at the end of 1946 to more than 36 billion barrels at the end of 1956. During this same period natural gas reserves increased from about 160 trillion cubic feet to about 236 trillion cubic feet. These represented increases of 51 and 48 percent respectively. Since 1956 the gains in reserves for oil and natural gas amounted to only 8 and 21 percent, respectively. Proved crude oil reserves have decreased for the last two consecutive years and in 1968 proved reserves of natural gas decreased for the first time.

Basic Assumptions

Against this background of more than a decade of declining trends for independent producers, the economic model formulates projections under three basic assumptions:

1. Base Case: Essentially a projection of present trends.

2. Second Case: A reduction in crude oil price of 25 cents per barrel.

3. Third Case: A reduction in crude oil price of 80 cents per barrel.

These cases were selected because the Cabinet Task Force on Oil Import Control reportedly recommends a variable tariff system, to replace the existing import quota system, under which reductions in domestic crude oil prices range from 25¢ to 80¢ per barrel.

SUMMARY AND CONCLUSIONS

Important elements in the economic model's projection of trends in the independent producer segment of the domestic petroleum industry may be summarized as follows:

INDEPENDENT PRODUCERS—EXPLORATION AND DEVELOPMENT EXPENDITURES

[Millions of dollars]

	1969	1975	Percent change
Base case	$1,450	$1,142	−21.2
2d case (−35 cents)	1,450	240	−83.4
3d case (−80 cents)	1,450	151	−89.6
Production (thousand barrels per day):			
Base case	3,835	3,117	−18.7
2d case (−25 cents)	3,835	2,543	−33.7
3d case (−80 cents)	3,835	2,156	−43.8

It should be noted that, because of the inseparable nature of oil and gas operations in the producing branch of the industry, the above figures for expenditures and production, as well as other data in the detailed report, include crude oil, natural gas liquids and natural gas converted to crude oil equivalent barrels.

The base case being essentially a projection of present trends, shows a continuing gradual decline in exploration and development expenditures and production by independent producers. Under these conditions, independents will be under the same adverse economic pressures they faced in the 1960's. Their relative position in the industry will continue to decline, but they will continue to make a meaningful contribution to the energy supplies of the United States.

Under the other two cases of reductions in price, independent producers would almost immediately start a divestment program by sharp reductions in new investments in the industry. By 1975 the independents would be eliminated, for all practical purposes, from domestic exploration and development activities under both a 25¢ and 80¢ reduction in price.

The sharp drop in expenditures for exploration and development would be followed by gradual but accelerating declines in production. By 1975 production by independents, with a 25¢ per barrel reduction, would be about 575,000 barrels per day less than under the base case, and about 1,000,000 barrels per day less with an 80¢ per barrel reduction in price.

It should be noted, for reasons set forth in the detailed report, that the projections tend to be optimistic as to the position of independent producers under assumed conditions of price reductions. For example, acceleration of sell-outs and abandonments by independents are not quantified by this economic model.

In general, it may be concluded that a policy of reducing U.S. crude oil prices would phase out independent producers; reduce significantly the funds and multiplicity of effort devoted to domestic exploration and development; foster economic concentration in the industry; and increase very substantially the nation's dependence on foreign sources of both oil and natural gas.

Mr. President, two subcommittees of the Senate have since last November heard testimony from several of the most knowledgeable men in the Government, the industry, and our universities about a very real and imminent shortage of natural gas.

Testifying before both the Senate Interior Subcommittee on Minerals, Materials, and Fuels and the Commerce Subcommittee on Energy, Natural Resources, and the Environment, Chairman John N. Nassikas of the Federal Power Commission warned that a natural gas shortage is developing in the Nation. He said it probably would come to a head next winter. He said that natural gas pipeline distributors in many parts of the country may not be able to meet the demand for gas.

Chairman Nassikas told committee members that, if the present rate of increasing demand continues and discoveries of new gas fields do not keep pace, "it is manifest that total gas energy demands will not be met by the natural gas industry."

To solve this approaching crisis, there are those in this body who advocate flooding the country with cheap imported oil that would replace natural gas. Only yesterday, my good friend and colleague, the Senator from Wisconsin (Mr. PROXMIRE), said:

> Liberalizing the oil import control program could help meet the alleged future shortage of natural gas. If less expensive oil products were imported, the market mechanism would allow them to be substituted for the more expensive natural gas.

He also said that Chairman Nassikas had indicated in a letter to him that—

> There is almost no relationship between our natural gas production and the oil control program.

I am not sure just how the Senator arrived at such a conclusion from the letter Chairman Nassikas wrote in reply to his inquiry about the amount of natural gas that comes from what the Senator from Wisconsin (Mr. PROXMIRE) termed "high cost and stripper wells."

First, Chairman Nassikas pointed out in his reply that, of the Nation's total producing oil wells, some 550,000, approximately 10 percent are flowing and produce 75 percent of the total production including a fourth of the U.S. gas supply.

Of the 367,000 stripper wells which produce 10 barrels a day or less but account for 15 percent of total U.S. oil output, the estimate is that these wells account for only 2 percent of the total associated-dissolved gas annual productions. Obviously, the great bulk of gas produced with oil—one-fourth of total U.S. gas production—comes from wells producing more than 10 barrels of oil daily and mostly from flowing wells. So if we should force those 367,000 stripper wells and their approximately 1½ million barrels a day of so-called high-cost production off the market, we would lose only a few million cubic feet of gas production which the Senator from Wisconsin (Mr. PROXMIRE) says could be replaced with less expensive imported oil.

Let us examine this proposition a little more closely. First, the examples I have just given of the effects of the projected price reduction brought on by steadily increasing imports would, undoubtedly, eliminate these 367,000 stripper wells, the $1.5 billion a year in income they generate, and the consequent losses from employment, taxes, and other chain-reaction economic effects, to say nothing of the loss of an estimated 6 billion or more barrels of oil left in the ground which would never be recovered. Only about 30 percent of the oil in the average formation is recovered now even with constantly improving secondary recovery methods. So we would lose one-fifth of our total known recoverable reserves and, as the remaining 10 percent of U.S. oil wells stopped flowing, we would lose whatever percentage of our reserves they represented because it would not be possible to produce them at the higher costs of secondary recovery.

Of course, my colleague, the Senator from Wisconsin, where little or no oil is produced, has not considered the vast amounts of money and technology that has gone into these secondary recovery projects which have progressively increased the percentage of oil that is now recovered, as compared with a few years ago. Even a 1- or 2-percent increase in the average total recovery through new methods now being developed and tested is the equivalent of a major oil field discovery in potential reserves.

And then, of course, he is talking about substituting less expensive imported oil for the more expensive natural gas.

During the hearings on natural gas shortages and also on percentage depletion allowance in the Tax Reform Act, expert witnesses pointed out the close and direct association of the oil and gas industries, which as far as production goes is really one industry, and the fact that any added cost or loss of income to the oil industry has a parallel effect on gas production, exploration and discovery.

Another compelling factor in this argument is the relative bargain price of natural gas now, as compared with oil, as far as energy content is concerned.

The equivalent energy cost of gas at its current average price of 20 cents per thousand cubic feet is $1.20 a barrel. Combining this with the average of $3 a barrel for domestic crude oil, you get an average realization by producers supplying domestic petroleum energy of $2.10 a barrel. This price is about as cheap as foreign oil can be delivered in the United States and, if such a plan as envisioned by the Senator from Wisconsin (Mr. PROXMIRE) and the task force study should be implemented, we would certainly either have to substitute imported oil for gas or import natural gas in liquid form which, in fact, at least one company is now planning to do. This gas, it is estimated, will cost something over 55 cents per thousand at port as compared with the present 20-cent average U.S. wellhead price.

I wonder what some of the people in Wisconsin who, like people in most other States, now depend on the economy and conveniences of natural gas for home heating, cooking, air conditioning, and other uses will think of scrapping their furnaces, water heaters, and other appliances and buying new ones that will operate on oil?

Nor did Senator PROXMIRE mention what we should do with the physical plant, assets, employment, and investments of an industry, the natural gas industry, that now ranks sixth in the

Nation in terms of gross investment. The plant investment of the distribution and pipeline segments of the industry increased from $20.7 billion in 1960 to $35.6 billion in 1968, an increase of 72 percent. And that does not include any producing facilities.

Since 1960, gas utilities have added about 1 million residential customers a year and now serve more than 40 million customers. And despite the fact that the Consumer Price Index has risen 16.3 percent over the period from 1961–68, the average price of natural gas to all classes of consumers throughout the country has remained virtually constant.

The adequacy of natural gas supply also has substantial indirect effects. The electric utility industry, the largest industry in the United States from the standpoint of capital investment, depends on natural gas to supply a considerable portion of its generation fuel and accounts for approximately 16 percent of total U.S. natural gas consumption in 1968.

These 40 million families who depend on gas and who have invested in homes equipped with gas appliances plus the other millions who depend on electricity generated by gas should be considerably concerned with Senator Proxmire's simple solution to the gas supply problem. Under his plan, we could go back to kerosene lamps as the lights went off. It undoubtedly would be cheaper.

Of course, the Senator from Wisconsin (Mr. PROXMIRE) has also overlooked the fact that domestic oil and oil product prices have also remained remarkably stable during the same period that the Consumer Price Index has climbed at such a rapid rate.

And while he may interpret FPC Chairman Nassikas' letter as indicating there is almost no relationship between our natural gas production and the oil import program, Chairman Nassikas had quite a different story when he testified before Senate Interior and Commerce Subcommittees recently.

Here is part of what the Chairman said:

We have not yet developed a supply curve that will show us the relationship between the price level and discovery of reserves.

I would like to add that we must find more precise methods of forecasting supply in response to price. A reliable supply curve is the first element of intelligent prognosis.

For purpose of assessing the existing adequacy of the available supply, the industry uses two ratios. One is the ratio of proved natural gas reserves to net gas production the (R/P ratio) and the other is the average annual finding to net production ratio (F/P).

Both of these ratios must be interpreted in light of the supply of natural gas which had been built up during the decades of the 1940's and 50's primarily as a by-product of the search for oil. This inventory served as the basis for the expansion of the interstate natural gas pipeline systems into all areas of the country from supply sources located primarily in Texas, Louisiana, Oklahoma, New Mexico, and Kansas, which contain over 90 percent of the nation's proved natural gas reserves.

As recently as 1962, the reserve inventory was still about 20 times as large as annual production. By 1968 the R/P ratio excluding reserves in Alaska had declined to 14.6 even though new gas findings (annual reserve additions) exceeded annual production every year until 1968.

The R/P ratio declined because demand has been increasing faster than the new reserve findings. Specifically, net annual production rose from 4.9 billion Mcf in 1946 to 19.3 billion Mcf in 1968, an increase of almost 400 percent, whereas proved reserves increased only 77 percent during the same period. Production to meet demand was over five times as high as the addition to proved reserves, in other words.

The percentage gains in recent years indicate an acceleration from the early 1960's. The average annual increase in marketed production advanced from 4.7 percent during 1961–65 to 6.4 percent during 1966–68.

The finding to production ratio (F/P) has also declined from a ratio of about 2.0 during the late 1940's and mid 1950's to about 1.1 as an annual average over the last five years. This latter figure means that new reserve additions are approximately 10 percent greater than production.

In 1968 the F/P ratio dropped to 0.6 or 40 percent less than production. This was the first time since this information had been collected that annual reserve additions did not equal or exceed annual production.

The decline in both the R/P and F/P ratios can be related to the decreasing exploratory effort.

Starting in 1953, there was a general decline in geophysical work, which in turn was reflected in a sharp reduction in exploratory drilling after 1956. We note, however, that the API's report of drilling statistics for the third quarter of 1969 indicates that more exploratory gas wells were drilled this quarter than for the same quarter in 1968. The cumulative year total to date for 1969 is also higher than for 1968.

And he added:

Certain characteristics of natural gas production make the eliciting of additional supplies a difficult problem for regulation. The major gas producers, who account for well over two-thirds of the current national production, are integrated oil companies with interests in oil refineries and in the marketing of oil products in this country and all over the world.

However, the independent producers comprise the most important source of non-associated natural gas discoveries even though their production activities are minor.

Historically, these independent producers have been the most aggressive entrepreneurial force in the finding of new gas fields. In 1967, for example, this group found approximately 80 percent of the new oil and gas fields discovered in the interior oil and gas basins of the United States from the Gulf Coast to the Canadian border.

Under the proposed tariff plan, this 80 percent of new oil and gas producing capacity would be lost as the independents were driven out of business.

Chairman Nassikas was also a bit more discerning of the problem and the implications than Senator PROXMIRE in his views and recommendations as he testified in the hearings and I again quote:

On July 31, 1969, the policy views of the Commission were submitted to the Cabinet Task Force on Oil Import Controls. The Commission stated that "the public interest calls for a vigorous exploration program to discover domestic oil and gas reserves." The Commission also pointed out that you really can't separate gas and oil. It is a definite inter-relationship which affects not only discoveries but basically the type of capital commitment, total capital commitment, and incentive for an industry.

The Commission called for expanded research and development to make available more rapidly alternative fuel supplies such as gasified coal. A copy of the Commission's report to the Cabinet Task Force was included in the testimony.

Greater effort must be directed to improving forecasting techniques if there is to be meaningful regulation and wise management and resource planning decisions by industry and government. The Commission recognizes that we must improve our effective capability in the measurement of supply and demand if we are to assure a continuing, reliable supply of gas to meet consumer demands.

A National Gas Survey comparable to the National Power Survey of the electric industry is essential. We have included in our budget, currently under consideration by the Bureau of the Budget, a recommended appropriation for a National Gas Survey so that in the course of the next three to four years we can acquire the necessary information capability to make more reliable and sophisticated supply and demand forecasts than our present information will permit.

As to the higher cost of stripper wells which account for some 15 percent of U.S. production. Under Secretary of the Interior Russell E. Train, who has just been named Chairman of the President's Council on Environmental Quality, put it this way:

I would like to begin my remarks by inviting attention to one of these aspects that seems to have drawn more notice than any of the others; that is, the subject of costs, primarily as they apply to petroleum energy. There has been a great deal of confusion as to the meaning of the figures that have been used to describe the cost of the current oil import control program. Basically, two kinds of costs have claimed most of the attention.

There is, first, the *cost to the consumer* of the present program. This is measured by the increased price the consumer of oil products must pay because of the existence of an oil security program. The price that the consumer pays under the present oil import program includes not only the moneys required to provide the physical capacity to produce additional oil in the United States but also payments to all producers of oil because of the higher price of domestic crude oil. The cost to the consumer, therefore, consists of two parts: (1) payments required to bring forth the additional production generated by the program, and (2) transfers from the consumer to the producers and refiners of all oil.

The cost of the program to the nation, often called the *resource cost*, measures the additional economic resources of labor, materials, equipment, and capital required to produce additional oil in the United States or to provide other forms of emergency oil supplies to the United States.

The resource cost is, therefore, the difference between the price of foreign oil in U.S. markets and our own cost of producing that part of our oil that we could buy more cheaply from foreign sources. It measures the marginal segment of our production that costs us more to produce at home than it does to buy abroad. This is a net cost to the economy that cannot be made to disappear by passing it around from one sector to another.

In the nature of the case, there is a large difference between these two cost figures due to the large element of transfer payments between various parts of the economy. Costs of the present program to consumers have been estimated as high as seven billion dollars based on 1975 use rates, compared with resource cost of about one billion dollars annually. But it is this lower figure—the net cost to the nation after all the transfers from one American pocket to another have

been wrung out—that is the true measurement of the premium we are paying to have a reliable oil supply in support of our national security. It appears to be quite modest in comparison with some of the other cost elements of our national security. A nuclear-powered aircraft carrier, with its embarked aircraft and defensive screen, costs somewhat over two billion dollars, and our total expenditures for defense purposes this year will exceed eighty billion dollars.

So these are really the basic issues involved in the oil import controversy.

Undoubtedly we could have cheaper dairy products, meat, shoes, clothing, oil, automobiles, and many other consumer items if we are willing to open our markets to massive imports of these products which are produced by workers paid far less than U.S. workers. Those who recommend lowering domestic prices with massive imports of cheaply produced foreign goods as a tool to curb inflation will certainly be the first to condemn the President for the massive unemployment that these imports and the consequent export of U.S. jobs will surely bring on.

ORDER OF BUSINESS

The PRESIDING OFFICER (Mr. ALLEN in the chair). Under the previous order, the Chair recognizes the Senator from New York (Mr. JAVITS) for not to exceed 30 minutes.

Mr. JAVITS. Mr. President, I ask unanimous consent that I may yield momentarily to the Senator from West Virginia (Mr. BYRD) without losing my right to the floor.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the Chair recognizes the Senator from West Virginia.

Mr. BYRD of West Virginia. I thank the able Senator from New York for yielding.

EXECUTIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of nominations on the Executive calendar and that we go into executive session for that purpose.

There being no objection, the Senate proceeded to consider executive business.

U.S. AIR FORCE

The PRESIDING OFFICER. The clerk will report the first nomination.

The assistant legislative clerk proceeded to read sundry nominations in the U.S. Air Force.

Mr. BYRD of West Virginia. Mr. President, I ask that those nominations be considered and confirmed en bloc.

The PRESIDING OFFICER. Is there objection? Without objection, the nominations will be considered en bloc; and, without objection, they are confirmed en bloc.

U.S. ARMY

The assistant legislative clerk proceeded to read sundry nominations in the U.S. Army.

Mr. BYRD of West Virginia. Mr. President, I ask that those nominations be considered and confirmed en bloc.

The PRESIDING OFFICER. Is there objection? Without objection, the nominations will be considered en bloc; and, without objection, they are confirmed en bloc.

U.S. MARINE CORPS

The assistant legislative clerk proceed to read sundry nominations in the U.S. Marine Corps.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that those nominations be considered and confirmed en bloc.

The PRESIDING OFFICER. Is there objection? Without objection, the nominations will be considered en bloc; and, without objection, they are confirmed en bloc.

U.S. MARSHALS AND NOMINATIONS PLACED ON THE SECRETARY'S DESK

Mr. BYRD of West Virginia. Now, Mr. President, I ask unanimous consent that the Senate proceed to the consideration of nominations for U.S. marshals and nominations placed on the Secretary's desk.

The PRESIDING OFFICER. Is there objection? There is no objection.

U.S. MARSHALS

The assistant legislative clerk read the nomination of Kenneth M. Link, Sr., of Missouri, to be U.S. marshal for the eastern district of Missouri.

The PRESIDING OFFICER. Without objection, the nomination will be considered; and, without objection, it is confirmed.

The assistant legislative clerk read the nomination of John T. Pierpont, Jr., of Missouri, to be U.S. marshal for the western district of Missouri.

The PRESIDING OFFICER. Without objection, the nomination will be considered; and, without objection, it is confirmed.

NOMINATIONS PLACED ON THE SECRETARY'S DESK IN THE ARMY AND IN THE MARINE CORPS

The ASSISTANT LEGISLATIVE CLERK. Nominations placed on the Secretary's desk in the Army and in the Marine Corps.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the nominations be considered and confirmed en bloc.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the nominations will be considered en bloc; and, without objection, they are confirmed en bloc.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nominations.

The PRESIDING OFFICER. Without objection, the President will be so notified of the confirmation of the nominations.

LEGISLATIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

There being no objection, the Senate resumed the consideration of legislative business.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the time consumed in executive session not be charged against the time of the able Senator from New York (Mr. JAVITS), and that his time start running now.

The PRESIDING OFFICER. Without objection, it is so ordered. The Chair recognizes the Senator from New York.

Mr. JAVITS. Mr. President, I ask unanimous consent that I may call for a quorum without losing my right to the floor. I do this only because I had announced that I intended to speak on Vietnam.

I suggest the absence of a quorum.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the time for the quorum call not be charged against the Senator's time.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REPORT ON VIETNAM

Mr. JAVITS. Mr. President, as an important part of a recent trip to seven countries around the world which I took as a member of the Foreign Relations Committee, I visited Vietnam for a 4-day period, January 22–25. While in Vietnam I met with President Thieu, Vice President Ky, Foreign Minister Lam, Economics Minister Ngoc, a number of Vietnamese Senators, opposition political leaders, province and district chiefs, military commanders, village chiefs and self-defense force leaders. On the American side, I met with Ambassador Bunker, General Abrams and his principal staff officers, Ambassador Colby who is in charge of the CORDS pacification program, AID Director MacDonald, various officers of the Embassy, USIA and AID missions in Saigon, as well as John P. Vann who is in charge of the CORDS program in the delta and numerous U.S. military and civilian officers working on the CORDS program in IV Corps and III Corps.

In reporting to the Senate, I will not try to report the basic facts and information I learned, except as they bear directly on my observations and conclusions, because such information is admirably reported in the Foreign Relations Committee staff report of February 2, 1970 entitled "Vietnam: December 1969." I commend that report, which offers essentially the same factual

situation I encountered in my trip, to my colleagues as a valuable source of the necessary basic information.

My conversations with President Thieu and Vice President Ky and the principal ministers, as well as my conversations with all shades of the opposition, confirms the policy which I have espoused in respect to Vietnam. That is a policy of withdrawal, beginning with the primary combat responsibility while continuing support in material and money and advice so long as the GVN remains integrated and able to fight for the security of South Vietnam.

I find this position confirmed in the differences which I saw in Vietnam since I was last there in 1966. It is clear that the GVN accepts that we are going through with withdrawal from the primary combat responsibility, and its leaders express confidence in the capability of the ARVN forces to take over the combat responsibility. This confidence is said to be more widely found among the people and in the government than among the ARVN, but is a significant factor.

While the United States is even now phasing out of the major combat role, its support role still remains dominant. Therefore, the real question is whether the GVN and the ARVN can be ready to take over the primary combat role in a time phase which coordinates their readiness with our withdrawal. It is my distinct feeling that their time frame is at least a year and perhaps two, or more, longer than ours.

An interesting aspect of this anticipated lag in Vietnamization is the fact that the GVN authorities allege that this was contributed to by President Lyndon Johnson's policy first inaugurated in April 1965 when for all practical purposes the ARVN was asked to step aside and leave the combat to U.S. forces. It is alleged thus that the years from the U.S. combat intervention in April 1965 certainly until after the Tet offensive of February 1968, the ARVN forces were not really equipped or trained for combat, and that for practical purposes the policy was not changed until President Nixon changed it in the spring of 1969. So it is argued that the ARVN forces really have had a relatively short time in which to get ready to take over the major combat responsibility in Vietnam.

While a real beginning has been made in the process of "Vietnamization," no firm and early date has been established for the withdrawal of U.S. forces from the major combat responsibility and no specific target date appears to be contemplated for the subsequent withdrawal of U.S. support forces.

U.S. arms, men, money, energy, and willpower still dominate the scene in South Vietnam. It is this situation which must change.

Of course, we must recognize the risk that the South Vietnamese may not be able to make a go of it after we turn over the major responsibility for their self-defense to them, but in my judgment, the time is now more propitious for the United States and the South Vietnamese Government to take that risk than at any time since President Johnson made the decision to intervene with U.S. combat forces in April 1965.

It seems clear to me that the South Vietnamese leaders, and the senior U.S. military and civilian officials in Vietnam, have in mind a much more gradual turnover of responsibility than I believe to be compatible with the national interest of the United States and its role in world peace.

The Vietnamization policy of the Nixon administration now seems focused on helping President Thieu to establish the authority of the GVN as strongly and broadly as possible throughout South Vietnam. This emphasis in U.S. policy appears to be related to the administration's conclusion that hopes for a negotiated peace settlement in Paris are remote, and related also to the real improvements in the security and economic situations which have been achieved in South Vietnam over the past year to 18 months.

It was clear from numerous briefings I received from American officials at all levels that the "new optimism" described in press reports does indeed dominate the thinking of our civilian and military officials in Vietnam. President Nixon in his speech of December 15 used the words "winning position" which is a reflection of this thinking in Vietnam.

To the extent that there are reasons to support this claim, the credit must go mainly to the colossal U.S. effort of the past 5 years. I believe that a realization of just how much of the gains of the past year are attributable to U.S. efforts and a belief that the maintenance of these gains depends on a major continuing U.S. combat effort, are the principal reasons why the GVN as well as the senior U.S. officials in Saigon regard "Vietnamization" as such a more gradual process than I conceive the U.S. intent to be.

In my judgment, Vietnamization and U.S. combat withdrawal can succeed in a meaningful sense only if they proceed so as to accomplish much this year according to a fixed date. Neither we nor the Vietnamese will ever know what the GVN and the ARVN can do on their own until they do it on their own. And the best time for them to try it on their own is now, when there is a favorable security situation and economic momentum in South Vietnam, while there is fair political stability in Saigon, and in the United States a timespan has been allotted to the President on Vietnam.

As I have already indicated, I believe that U.S. policy is once again at a crossroads with respect to Vietnam. There exists an opportunity for the United States to disengage rapidly from the war, which has taken such a heavy toll of American blood and treasure and which has so distorted our domestic and foreign priorities. There also exists a very real danger that U.S. policy—unwittingly—may again be directed in ways which will keep us deeply enmeshed for an indefinite period.

The broad and even enthusiastic acceptance of "Vietnamization" as a policy goal by the Thieu government—with the caveat of its being open ended with respect to its time frame—has blurred the edges of the policy decision which needs to be made. Vietnamization—if it is conditional and open ended as to timing—can result in an indefinite prolongation of deep U.S. involvement, while designed to achieve a definite vehicle for U.S. disengagement.

There was some feeling expressed among the GVN authorities that it is a good thing for the U.S. forces to phase out of the major combat responsibility as this will deprive the Vietcong and the North Vietnamese of some of their strongest points in getting new recruits; that is, that the present situation is a continuance of the resistance which became so intense after World War II to get out the French, than to get out the native dictators and now, in the years since the United States has taken on the primary combat responsibility, to get out the Americans.

There is also an expression of confidence that the way in which President Nixon will implement the withdrawal policy will jibe with the requirements of the State and with the views of President Thieu. There is real concern that "precipitate" U.S. withdrawal could create a condition of anarchy.

The Vietnamese authorities claim that over 3 million rural people have been organized and are being trained to take over hamlet defense responsibility, that a very large amount of arms has been distributed to them and that this represents the confidence of the GVN in the people. Aside from the problem of readiness on the part of its armed forces, the question of the people's support of the government continues to be the major political problem. The people still have no real sense of nationhood, of loyalty to a nation, and no concept of its being "their" government.

Whether President Thieu, who has shown resourcefulness, can rouse the necessary patriotic fervor remains to be decided. Whether he can build an effective team around him, other than the military people with whom he has always been associated and who are close to him, remains also to be decided. Whether or not a political system can be established which is a suitable base for a government of the people is the most unclear of all to me.

The liturgy of the GVN is still "anti-communism." President Thieu says he will accept any opposition which is "non-Communist." The all-important definition of what is non-Communist, of course, remains the prerogative of President Thieu's government. His ex-opponent, who drew the second highest total for the Presidency in the election of 1967, remains in jail.

An open-ended time frame for U.S. troop withdrawal involves additional ironies and dilemmas for the United States. The Western-style constitution and the democratic political institutions established in Vietnam represent a hindrance to the achievement of the kind of prestige and authority required in a traditional oriental society like Vietnam, if President Thieu is to be the vehicle for "Vietnamization." President Thieu knows this very well—and in my judgment it is also recognized by the U.S. civilian and military missions in Viet-

nam. I believe that this recognition accounts for the reluctance of U.S. representatives to press the GVN too closely on matters involving the "niceties" of democracy, civil liberties and freedom, as understood in the West and as written into the Vietnamese Constitution.

To state the issue more bluntly, the establishment of meaningful western-style democracy in Vietnam may prove to be incompatible with a policy which in effect gives all-out support to President Thieu's effort to establish the authority and prestige of his regime.

Whatever the United States legitimately can accomplish in Vietnam has been accomplished. A Communist military victory has been thwarted. An opportunity for South Vietnamese self-determination has been created. It should be the goal of our diplomacy to assure that the opportunity for self-determination is exercised in a meaningful way. If all diplomatic efforts to involve North Vietnamese and the NLF in an internationally supervised election fail—then an alternate test of self-determination can be undertaken by putting the Thieu government on its own. If it can rally the support it will need to withstand the Communist political and military challenge after the United States disengages from the major military responsibility, the Thieu government will have demonstrated that it does represent effectively the people of South Vietnam.

I consider the situation as I found it in South Vietnam to be favorable to a dramatic new assumption of responsibility and self-reliance by the GVN. All the moot questions in Vietnam are related to this—most importantly the question of the authority and support of the Thieu government among the people of South Vietnam. The authority and support of the GVN can only be tested and established if the GVN comes out from behind the massive shadow of the U.S. presence in South Vietnam. Until the GVN's authority and support is tested and established, little can be considered to have been lastingly achieved by the U.S. effort over the past 5 years.

In my judgment, however, the main consideration must be the U.S. national interest. From this overriding perspective, it is essential to bring U.S. combat involvement in Vietnam to an end by the conclusion of 1970. America's agenda in the 1970's will not permit a continuation of the improvident diversion from the essential tasks of our Nation which Vietnam represented throughout the 1960's. We have already paid a fearful price in blood and treasure to redeem what was at most a peripheral commitment to prevent the establishment of a Communist regime in Saigon by force of arms. We have perhaps paid an even greater price as a nation for Vietnam in terms of the essential things we have been unable to manage at home and elsewhere in the world.

At some point the United States must draw the line. I believe the time has come to draw the line at December 31, 1970, for the end of the U.S. combat responsibility. After this deadline we would continue to supply logistical support, arms, economic assistance, and advice on a diminishing scale as warranted by the performance of the South Vietnamese on their own behalf.

The resolution I have introduced with Senator PELL—Senate Concurrent Resolution 40—is designed to give legislative effect to the key issue: the withdrawal of U.S. combat forces by the prescribed date of December 31, 1970. The Javits-Pell resolution terminates the authority given to the President by Congress in the Tonkin Gulf resolution to engage U.S. forces in combat in Vietnam after the end of 1970. It is essential in order to form the basis for any new resolution on Vietnam to clear the record of the Gulf of Tonkin resolution so that it is clear that the power of the President and the Congress revert to the status prior to that resolution, with the President acting as foreign policy spokesman and Commander in Chief and the Congress retaining the power to declare war and appropriate money.

On this basis, a statement by the Congress as to the conduct of policy and disposition of our forces regarding Vietnam, becomes a proper exercise of the advise-and-consent power. Such a drastic step as to cut off money for the support of the Armed Forces unless the President complies with the will of the Congress would deprive the President summarily of his position as foreign policy spokesman and Commander in Chief. This would undermine the President's ability to conduct the foreign policy of the United States throughout the world.

Mr. HATFIELD. Mr. President, will the Senator from New York yield?

The ACTING PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Oregon?

Mr. JAVITS. I am happy to yield to the Senator from Oregon.

Mr. HATFIELD. I rise to commend the Senator from New York for his outstanding and astute observations following his trip to Vietnam.

I concur with everything the Senator has said. I would add one or two things. One, I fear there is in the country today an attitude that everything is going well and therefore we do not have to be very concerned about the day-to-day activity in Vietnam. We might say that many people are lulled into a false sense of optimism about the situation in Vietnam.

Second, there are many people today who have grown so weary of the war which has gone on and on and on, in which we have been involved since 1946, either with men or money, that they wish it would just sort of fade away, that if one ignored it enough, perhaps it might fade away.

Of course, both of those points are poorly taken by those who seek an easy solution.

Therefore, I think the Senator has really brought back into focus the reality that we have our 400,000 men still in Vietnam, that men are still dying there day after day, that we as Senators cannot abdicate our responsibility to assist in the development of a meaningful solution, nor can the people of this country abdicate their citizen responsibilities of remaining knowledgeable and exerting their influence, through their voices and their activities, to help bring the war to an end.

I think we are at the crossroads. The direction in which we go will depend a great deal on how alert the American public will be to the situation in Vietnam and how much they make their voices heard both through their elected representatives and directly to their Government.

I should like to underline what, to me, is probably one of the most profound parts of the Senator's entire statement. I think he puts the whole war in Vietnam in such magnificent focus when he refers, on page 2 of his report, to the fact that:

> Neither we nor the Vietnamese will ever know what the GVN and the ARVN can do on their own until they do it on their own. And the best time for them to try it on their own is now, when there is a favorable security situation and economic momentum in South Vietnam, while there is fair political stability in Saigon, and in the United States a time span has been allotted to the President on Vietnam.

Mr. President, I say again to the Senator from New York that I think that is probably one of the best summaries on the very complex issue of the war in Vietnam that I have ever seen, one I wish that every American would read, and more especially every Senator would read with great and prayerful concern, and realize what we have as our responsibility at this moment in history, at this time in the Vietnam war, in which decision-making is so vital to our future course over there and to the final solution.

I have one question I should like to ask the Senator, which has to do with the statement he made on page 1, when he referred to the allegation that was made to him in Saigon, that the authorities alleged that in April of 1965, for all practical purposes, the Army of Vietnam had been asked to step aside and leave the combat to U.S. forces.

Is there any way that the Senator was able to get confirmation from the military leaders with whom he talked, or is there any way now that we can get a confirmation on this point, because I think it is fundamental to our ability to evaluate the Vietnamization policy of the President of the United States, whether we should be judging it from 1965 or judging its effectiveness from 1969. Is there any way we can get this story validated or confirmed?

Mr. JAVITS. I stated it in terms solely as an allegation which I heard made, at very high levels, because that is all I can say with certainty. I did not receive, or seek, any confirmation while I was there. Perhaps as time goes on we may learn some more about it here in the Senate. Certainly it is not the fault of President Nixon. Certainly he gets full credit for initiating a real drive to equip and train the forces of South Vietnam.

This allegation relates firstly to the time in 1965 when the South Vietnamese were in very bad shape and one can appreciate that it might well have happened at that time. Whether the same attitude prevailed at the Honolulu and Manila Conferences of 1966, I cannot say, but I was told that it did, and over the objections of the Vietnamese.

I can only say that I cannot give any

other substantiation except that I was told that.

Mr. HATFIELD. Does not the Senator agree that if we are to have some valid basis upon which to make a judgment of the effectiveness and merit of the continuation of the President's policy, we have to get the exact date as it relates to when the South Vietnamese began to assume some combat responsibility, because 3 or 4 years could make a great deal of difference.

Mr. JAVITS. The Senator is correct. But I think one can say that it did not begin sooner than 1968, and probably the early part of 1969.

I wish to thank my colleague for his generous remarks about my report. It means a great deal to me, coming from a Senator with such a distinguished record himself, especially as regards the Vietnam war.

Mr. HATFIELD. I thank the Senator.

Mr. HOLLINGS. Mr. President, will the Senator yield?

Mr. JAVITS. Mr. President, I ask unanimous consent that I be permitted to continue for 1 additional minute.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. JAVITS. I yield.

Mr. HOLLINGS. Mr. President, I have listened with interest to the discussion on Vietnam.

I was wholly misinformed. I was told that when the Senator finished his speech, he was going to talk about the New York school amendment. Does the Senator intend to speak on that?

Mr. JAVITS. I will, as soon as the amendment is up. Right now the pending amendment is the amendment of the Senator from Colorado on impacted aid funds. However, when the Stennis amendment is called up, I will participate in the debate.

Mr. HOLLINGS. Perhaps the Senator can cut me short. Can the Senator tell me if he will support the amendment?

Mr. JAVITS. I think I can tell the Senator from South Carolina that I cannot give my support. I think the New York State law is very bad. My State can pass a bad law, too, and it passed a bad one there.

The ACTING PRESIDENT pro tempore. The Senate will now proceed to the consideration of morning business.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. NELSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE ROLE OF CONGRESS IN THE BATTLE AGAINST INFLATION

Mr. NELSON. Mr. President, all of us in the Congress are extremely concerned about the continuing rise in the cost of living, the interest rates now the highest in over a century, and the severe economic and social dislocations which have resulted.

The battle against inflation is, of course, a joint one which must involve the Congress, the Executive, the Federal Reserve Board, and the businesses, consumers, unions, and others who comprise the private sector.

In a recent talk before the Brookings Institution, Senator MONDALE outlined the efforts which the Congress undertook to combat inflation during the first session of the 91st Congress. He also suggests a number of additional steps which should be taken in the current session.

His remarks are both pertinent and informative. I ask unanimous consent that they be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

INFLATION: THE RECORD OF 1969 AND THE PROGRAM FOR 1970

(By Senator WALTER F. MONDALE)

Inflation is a social and an economic illness which affects every household in America. Serious inflation has been with us now for over two years, and there are no indications that the end is yet in sight.

Because this is one of the most disturbing and important issues we face today, I want to share with you my own thoughts on the problem of inflation, the role of Congress in combatting inflation in 1969, and what Congress must do in 1970 to help stop it.

THE CRUELEST TAX

Inflation has often been called "the cruelest tax." It falls heavily upon senior citizens, living on pensions and social security.

It hurts those whose incomes are fixed and whose pay check each week brings home less food, rent, and clothing.

Inflation particularly hurts those who have spent years saving for the future and who now find the worth of those savings severely eroded.

Not only is inflation, itself, a disaster, but it generally travels in company with a host of related social and economic ills. Interest rates rise, pricing the average wage-earner out of the home he had so hoped for and seriously impairing the ability of state and local governments and school districts to raise needed revenue.

The balance of payments is worsened as American goods become unable to compete in foreign markets.

Labor-management relations become strained as each side seeks to protect itself against the pervasive rise in prices, and the "last hired" live in dread of becoming the "first fired" as policies of restraint threaten to kill inflation with the equally deadly curse of unemployment.

CONGRESS AND INFLATIONS: 1969

Contrary to some allegations, the first session of the 91st Congress was extremely concerned with inflation and moved constructively in a number of areas to impose responsible "fiscal restraint" on government spending.

In over-all appropriations, for example, Congress actually cut a total of $7.6 billion from the Administration's budget requests. Some of this saving—about $2 billion—was redirected into increased support to such areas as education, health, manpower training, and pollution control, which most of us in Congress felt had been severely neglected by the budget requests.

There is no question but that we are in the midst of an essentially "war-fed" inflation, fanned by the enormous expense not only of the war itself, but of a vest array of new and often wasteful expenditures in the Pentagon budget.

Much of the savings, then, came in Congressional reductions of nearly $6 billion in the Pentagon budget. Recent studies, such as those conducted at the Brookings Institution, have suggested that many more savings can be made in this budget. But the important fact is that Congress achieved a net reduction of some $5½ billion in the Administration budget requests—surely an indication of "fiscal responsibility."

And equally important, I think, was Congress's determination not to sacrifice all human and environmental programs to a policy of restraint, and to demonstrate that a concern for inflation need not be inconsistent or incompatible with the need to reorder some of our priorities at home.

Aside from these budget cuts, the major "restraining" action of Congress in 1969 was passing a tax bill with reforms which will increase Federal revenues by $6.6 billion in 1970 and by nearly $7 billion in 1971. Although we need more and stronger reforms—such as taxation of capital gains at death, further lowering of the oil depletion allowance, and other "loopholes" closed—the bill which Congress passed in 1969 contained the most significant reforms since the enactment of the income tax, 56 years ago.

Much has been made of the tax relief voted by the Congress. Again, however, there is nothing inherently incompatible between "fiscal responsibility" and tax relief, provided that the Congress is willing—and it has amply demonstrated this willingness—to finance relief through tax reforms and budget cuts.

It should also be stressed that the relief measure originally adopted by the Senate in the form of increased personal exemptions was actually offered as a substitute to the relief package passed by the House and endorsed by the Administration. The fiscal difference between the two versions is minimal; the main effect of the increased exemptions was to move this relief down to middle and lower incomes, as opposed to the House and Administration measure which would have given 25% of the relief to the wealthiest 5% of the taxpayers.

CONGRESS AND INFLATION: 1970

There are great limits, of course, in the ability of Congress, acting alone, to curb inflation. While we can appropriate funds and investigate waste, we cannot stop all costly overruns, and we must continue to rely heavily on budget requests which stem from the Executive Branch.

Our control over the semi-independent Federal Reserve Board is minimal, limiting our ability to directly manage interest rates.

Finally, the most important decision affecting the stability of the dollar—decisions to borrow, to invest, to lend, or to save—are primarily made in the private sector, and short of rigid controls (which, thankfully, no one seems to want) we are limited in our capacity to influence these decisions.

Nevertheless, there is a great deal Congress can and must do in 1970 as its share of the war against inflation.

First and foremost, we must continue to search for economy in government spending. The major area for such savings remains in the Pentagon budget, where the government's General Accounting Office recently reported cost overruns of nearly $21 billion. The Joint Subcommittee on Economy in Government recommended a $10 billion cut in this budget—a cut which they claimed would have no detrimental effect on America's capacity to meet defense commitments here or abroad. Of course, the expected and hoped-for disengagement from Vietnam will greatly increase these possible savings, but there is no doubt about the potential for economy remaining in the Pentagon budget.

I would hope that Congress would maintain some of the tax reform initiative and raise more revenue through additional cuts of the oil depletion allowance, a tighter minimum tax, removal of the "capital gains at death" loophole, and other remaining reforms.

I expect Congress in 1970 to take further steps to ease the soaring interest rates, which many economists feel have done little to halt, and may even be promoting, inflation. The Banking and Currency Committee, on which I serve, has already moved to create a secondary market for home mortgages, thereby opening up desperately needed funds in this area. Related measures initiated by this Committee and now signed into law give the President authority to institute selective credit controls and authorize the Small Business Administration to aid the lagging supply of investment funds for small businesses. The coming year should see additional efforts to discourage inflationary investment spending by large corporations, but to ease the monetary restraint which has fallen so unfairly on small businesses, home buyers, and the construction industry.

Further activities of Congress in 1970 should seek to expand manpower training, public service employment, and other programs to reduce the inflation-unemployment trade-off and to allow a "tightening" of the economy while avoiding either a general recession or high rates of unemployment among the young, the minority worker, or the unskilled.

In short, Congress has been and will continue to be extremely concerned with the great problem of inflation and the attendant problems of high interest rates, unemployment, and the threat of recessionary "overkill".

It is my very great hope that Congress, the Administration, labor, management, and the consumer can all work together in this effort, pursuing policies of restraint and moderation, but not sacrificing the commitment needed to face the great unmet social needs of our country.

PREVENTIVE DETENTION

Mr. ERVIN. Mr. President, on several previous occasions I have sought to focus public attention on the ominous threat preventive detention poses to the system of criminal justice in this country.

Preventive detention has all the appeal of a cheap, simple solution to a grave, complex, and perplexing problem. The first instinctive reaction of many who are confused and frustrated by society's inability to come to grips with crime is to lock up those we fear. "Constitutional principles become luxuries we cannot afford in a crisis," goes the argument. " 'Innocent until proven guilty' is a technical rule of evidence and no more" is what we hear from enthusiasts who should know better, and probably do. All objections, be they on practical grounds or principle, are rejected as "mere quibbles," "legal redtape," "lawyers' talk," "knee jerking by soft-hearted libertarians"—this is what we hear from officials who have seized upon "crime" and seek simple solutions in preference to hard decisions.

It is the Senate's responsibility to deal with the crime crisis, but to do so responsibly. Repressive legislation, be it a "no-knock" provision or preventive detention, is not the answer that is demanded. It is a reaction to fear—and one which will cost us more as a Nation under constitutional principles than it will ever gain us in fighting crime.

A Congress which repeals an emergency detention law after 10 years should not turn around and pass a preventive detention bill based on the same blindness to our country's heritage of freedom.

Justice Brandeis' famous warning bears repeating now, as it often does:

Men born to freedom are naturally alert to repel invasion of their liberty by evil-minded rulers. The greatest dangers to liberty lurk in insidious encroachment by men of zeal, well meaning but without understanding.

In the few months since the Department of Justice submitted its proposal for preventive detention, more and more citizens have come to realize how short-sighted, how cruelly deceptive, how destructive of our principles such a law would be.

I have received many letters opposing preventive detention. They are brief but extremely eloquent statements by ordinary citizens who recognize the great principle at stake.

A concerned American from Michigan fears that preventive detention moves us "perilously close to the conditions described in Orwell's '1984.' " A New Yorker worries that preventive detention as a solution to the crime problem would be "more detrimental to the welfare of the country than the problem." From Puerto Rico comes the warning that "preventive detention is the instrument of dictatorships," and from California the concern that the threat of political repression is a potential evil "simply too great to risk for the good which might be gained in the prevention of a few crimes." An Oregon housewife views preventive detention as "a most lamentable assault on the Constitution." And a Bostonian sees a "clear violation of the Bill of Rights" and correctly points out that speedy trial and penal reform is the obvious answer to any problem of crime on bail.

Mr. President, these letters constitute a significant commentary by our people on the evils of preventive detention, and I ask unanimous consent to have them printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

ANN ARBOR, MICH.,
December 3, 1969.

MY DEAR SENATOR ERVIN: May I express my admiration for your forthright stand for the preservation of individual rights in the matter of the administration move for "preventive detention" and other attacks on freedom of the individual.

Under the leadership of the present attorney general, we are moving perilously close to the conditions described in Orwell's *1984*. More power to you!

EDGAR G. JOHNSTON.

RIO PIEDRAS, P.R.,
October 30, 1969.

Hon. SAM J. ERVIN, Jr.,
Senate Office Building,
Washington, D.C.

DEAR SENATOR ERVIN: Thanks for your beautiful defense of the right to bail as published in the Wall Street Journal of October 20.

Preventive detention is an instrument of dictatorships. Even though Secy. Mitchell proposes to introduce it with "protections", you may be sure that in the course of time those restrictions would be relaxed in order to increase the "efficiency" of the police or "untie" their hands, and preventive detention would be used systematically to persecute people (instead of just occasionally).

I know; I have lived in a dictatorship (and worked there too). My friends, neighbors and coworkers were arrested, imprisoned, sometimes tortured. (Sadly, most Americans overseas like dictatorships because it usually makes things nice for foreigners, which is one reason why many people hate us.)

Sincerely,

LEWIS SMITH.

NEW YORK CITY COMMUNITY COLLEGE,
Brooklyn, N.Y., November 26, 1969.

Hon. SAM J. ERVIN,
Senate Office Building,
Washington, D.C.

DEAR SENATOR ERVIN: I am thankful for your thoughtful and courageous stand on the preventive detention aspects of the Administration Anti-Crime Bill.

I am sure that many Americans are concerned about the tendency to advance simplistic solutions to complicated and deep-rooted problems. There seems to be an historical inevitability that the solution becomes more detrimental to the welfare of the country than the problem.

Your efforts and insights are very much appreciated.

Very truly yours,

RICHARD FREED.

OFFICE OF THE PUBLIC DEFENDER,
Fairfield, Calif., October 14, 1969.

Hon. SAM J. ERVIN, JR.,
U.S. Senate,
Washington, D.C.

DEAR SENATOR ERVIN: The concept of preventative detention, currently pending in legislation before your Sub-Committee in the form of S2600 is not new. The effectiveness with which such power can be used to destroy dissent was well demonstrated during both the Nazi rise to power in Germany and Stalin's purge of the Communist Party during the 1930's. However remote such a turn of events may seem to us, the potential evil is simply too great to risk for the good which might be gained in the prevention of a few crimes.

The present hue and cry for law and order can be channeled to real progress in improving our system of criminal justice if we look unemotionally and ask what it is that causes people to commit anti-social acts and then move to prevent *that*. Let's not again deceive ourselves into thinking that we'll reduce crime by increased penalties and short-cutting defendants' rights, remedies which have been tried and failed over and over again in the past.

Our California Assembly Committee on Criminal Procedure conducted such a study and found, not surprisingly, that what prevents crime is the individual's own self image of importance. This would seem to give considerable reason to weigh the new Chief Justice's suggestion most carefully when he suggests there is a need for immediate change in our present correctional system.

I am not opposed to S2600 except as it permits pre-trial detention. I hope these provisions are deleted as quickly as possible.

Very truly yours,

PAUL LIGDA.

JUNCTION CITY, OREG.,
December 3, 1969.

DEAR SENATOR ERVIN: I want to commend you on the stand you are taking in opposition to the preventive detention proposal. This seems like a most lamentable assault on the Constitution.

In reading further about the Subcommittee's deliberations and the testimony of John Mitchell, your statements, and the questions in opposition to the bill by the ACLU, I must conclude that this measure must be voted down.

Keep up your strenous efforts and outspoken opposition to such legislation.

MRS. K. B. SALMONSON.

BOSTON, MASS.,
December 1, 1969.

DEAR SENATOR ERVIN: I am very pleased to see your opposition to Att. Gen. Mitchell's desire for a preventive detention bill, certain-

ly a clear violation of the Bill of Rights. If it does prove true that a suspect out on bail is more likely than usual to commit a crime, why not provide for a more rapid trial by placing the case ahead of others already on the docket? But the crux of this whole matter of crime and its prevention and punishment is an effort to reform our penal system so that convicted criminals are truly rehabilitated and are accepted back into the society as individuals no more likely than the next to commit a crime. We are in a truly dangerous position if every released convict is more likely than before to commit another crime, as seems to be the case from what I have read.

Sincerely,

SHERWOOD GITHENS III.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT ON FUNDS FOR CERTAIN RESEARCH PURPOSES

A secret letter from the Secretary of Defense, reporting, pursuant to law, on funds obligated in certain research projects (with accompanying papers); to the Committee on Armed Services.

REPORTS OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the audit of the Federal Crop Insurance Corporation, fiscal year 1969, Department of Agriculture, dated February 6, 1970 (with an accompanying report); to the Committee on Government Operations.

A secret letter from the Comptroller General of the United States, transmitting, pursuant to law, a report (with an accompanying report); to the Committee on Government Operations.

REPORT OF THE FOUNDATION OF THE FEDERAL BAR ASSOCIATION

A letter from the Secretary, the Foundation of the Federal Bar Association, transmitting, pursuant to law, the audit report of the association for the fiscal year ended September 30, 1969 (with an accompanying report); to the Committee on the Judiciary.

REPORT OF THE UPPER LAKES REGIONAL COMMISSION

A letter from the Federal and State Cochairmen, Upper Great Lakes Regional Commission, transmitting, pursuant to law, a report on the activities of the Commission for the period July 1, 1968 to June 30, 1969 (with an accompanying report); to the Committee on Public Works.

REPORT OF ECONOMIC DEVELOPMENT ADMINISTRATION

A letter from the Secretary of Commerce, transmitting, pursuant to law, a report of the Economic Development Administration for fiscal year 1969 (with an accompanying report); to the Committee on Public Works.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the PRESIDENT pro tempore:

Resolutions of the Commonwealth of Massachusetts; to the Committee on Commerce:

"RESOLUTIONS MEMORIALIZING THE CIVIL AERONAUTICS BOARD TO INVESTIGATE THE FEASIBILITY OF THE CONTINUED OPERATION OF NORTHEAST AIRLINES, INC., WITHOUT MERGER WITH NORTHWEST AIRLINES, INC.

"Whereas, The Massachusetts House of Representatives is concerned with air transportation services provided to the citizens of the commonwealth; and

"Whereas, Said Massachusetts House of Representatives is also concerned with the economic well-being and growth of industries located in the Commonwealth, particularly the industries which employ substantial numbers of citizens of this commonwealth; and

"Whereas, Northeast Airlines, Inc. is a corporation organized and existing under the laws of the commonwealth and having a principal place of business at Logan International Airport in East Boston in this commonwealth; and

"Whereas, Said Northeast Airlines, Inc. has always striven, sometimes under adverse circumstances, to provide the best air transportation service possible to the citizens of this commonwealth for a period exceeding thirty years; and

"Whereas, Said Northeast Airlines, Inc. is the sole air carrier which provides air transportation services between certain communities within this commonwealth and from certain communities in this commonwealth to other communities in northern New England, to the other major centers of commerce and government on the middle Atlantic seaboard and to the vacation areas of Florida, all with modern and convenient jet and turbine powered aircraft; and

"Whereas, Said Northeast Airlines, Inc. provides employment for approximately 2300 citizens of this commonwealth at its principal place of business at Logan International Airport in East Boston in this commonwealth; and

"Whereas, The Massachusetts House of Representatives is cognizant of a proposed merger of said Northeast Airlines, Inc, with Northwest Airlines, Inc.; therefore be it

"Resolved, That it is the conviction of the Massachusetts House of Representatives that continuation by Northeast Airlines, Inc., as an independent entity, of the air transportation services which said Northeast Airlines, Inc. is authorized to render has been, is, and will continue to be, of great benefit to the commonwealth, if it is economically feasible for said Airline to do so; be it further

"Resolved, That the Massachusetts House of Representatives urges the Civil Aeronautics Board to determine whether Northeast Airlines, Inc. can continue to function as an independent entity and if said board finds that it is economically feasible for said Airline to so continue; be it further

"Resolved, That the Massachusetts House of Representatives urges the Civil Aeronautics Board to disapprove the proposed merger; and be it further

"Resolved, That copies of these resolutions be transmitted forthwith by the Secretary of the Commonwealth to the Chairman of the Civil Aeronautics Board, the Secretary of Transportation, the presiding officer of each branch of Congress and to the members thereof from this Commonwealth.

"House of Representatives, adopted, January 19, 1970.

"WALLACE C. MILLS, *Clerk.*

"Attest:

"JOHN F. X. DAVOREN,
"Secretary of the Commonwealth."

Resolutions of the Commonwealth of Massachusetts; ordered to lie on the table:

"RESOLUTIONS MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO OVERRIDE PRESIDENT NIXON'S VETO OF THE HEW APPROPRIATIONS BILL

"Whereas, The Congress of the United States, recognizing the needs of the people in the fields of health, education and welfare, enacted and sent to President Nixon for his approval a comprehensive health, education and welfare bill totaling nineteen billion seven million dollars; and

"Whereas, President Nixon refused to approve this legislation, vetoed it and returned it to Congress on the question of sustaining or overriding his veto; and

"Whereas, In the event the President's veto is sustained, the Commonwealth of Massachusetts will lose approximately twenty-one million dollars, in the field of education as well as additional amounts in the critical areas of health and welfare, thereby adding an additional tax burden on the residents of the Commonwealth; therefore be it

"Resolved, That the House of Representatives of the General Court of Massachusetts urges the Congress of the United States to override the veto of President Nixon to the HEW appropriations bill and enact this very necessary legislation; and be it further

"Resolved, That copies of these resolutions be forwarded by the Secretary of the Commonwealth to the President of the United States, to the presiding officer of each branch of Congress and to each member thereof from this Commonwealth.

"House of Representatives, adopted, January 27, 1970.

"WALLACE C. MILLS, *Clerk.*

"Attest:

"JOHN F. X. DAVOREN,
"Secretary of the Commonwealth."

A joint resolution of the Legislature of the State of California; to the Committee on Labor and Public Welfare:

"ASSEMBLY JOINT RESOLUTION No. 5

Relative to agricultural labor-management relations

"Whereas, Agriculture is the number one industry in California, and is the source, directly or indirectly of one out of every three jobs in the state; and

"Whereas, California agriculture directly employs more than one-half million workers, most of whom depend primarily upon agricultural wages for income; and

"Whereas, The products of California agriculture move widely in both national and international commerce, and must compete with agricultural products originating in other states than countries where labor standards and labor costs are lower than those in California; and

"Whereas, A substantial minority of the California farm labor force also seek farm employment or maintain residence outside of the state during a portion of the year; and

"Whereas, Both organized labor and agriculture are in agreement, as manifested by testimony before legislative committees during the past year, that problems of labor-management relations law in agriculture are truly national in character, and can be appropriately dealt with through federal legislation; now, therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to promptly enact legislation establishing labor-management relation laws covering agricultural employment; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A resolution adopted by the Common Council of the City of Mount Vernon, N.Y., praying for the enactment of legislation relating to the financing of welfare and education, and the establishment of a national universal health insurance program; to the Committee on Finance.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JORDAN of North Carolina, from the Committee on Public Works, with amendments:

H.R. 14464. An act to amend the act of August 12, 1968, to insure that certain facilities constructed under authority of Federal law are designed and constructed to be accessible to the physically handicapped (Rept. No. 91–658).

By Mr. JORDAN of North Carolina, from the Committee on Public Works, without amendment:

H.R. 14944. An act to authorize an adequate force for the protection of the Executive Mansion and foreign embassies, and for other purposes (Rept. No. 91–659).

Mr. BYRD of West Virginia subsequently said: Mr. President, I ask unanimous consent that the report on H.R. 14944, filed earlier today by the Senator from North Carolina (Mr. JORDAN), from the Committee on Public Works, be printed together with individual views of the Senator from Ohio (Mr. YOUNG).

The ACTING PRESIDENT pro tempore. The report will be received and the bill will be placed on the calendar; and, without objection, the report will be printed, as requested by the Senator from North Carolina.

By Mr. STENNIS, from the Committee on Armed Services, with amendments:

H.R. 8020. An act to amend title 37, United States Code, to provide entitlement to round trip transportation to the home port for a member of the naval service on permanent duty aboard a ship overhauling away from home port whose dependents are residing at the home port (Rept. No. 91–665).

By Mr. CANNON, from the Committee on Armed Services, without amendment:

H.R. 11548. An act to amend title 10, United States Code, to permit naval flight officers to be eligible to command certain naval activities, and for other purposes (Rept. No. 91–663).

By Mr. SYMINGTON, from the Committee on Armed Services, without amendment:

H. Con. Res. 207. A concurrent resolution relating to Gen. Omar N. Bradley (Rept. No. 91–664).

By Mr. BYRD of Virginia, from the Committee on Armed Services, without amendment:

H.R. 8664. An act to authorize an increase in the number of flag officers who may serve on certain selection boards in the Navy and in the number of officers of the Naval Reserve and Marine Corps Reserve who are eligible to serve on selection boards considering Reserves for promotion (Rept. No. 91–661).

By Mrs. SMITH of Maine, from the Committee on Armed Services, without amendment:

H.R. 9485. An act to remove the $10,000 limit on deposits under section 1035 of title 10, United States Code, in the case of any member of a uniformed service who is a prisoner of war, missing in action, or in a detained status during the Vietnam conflict (Rept. No. 91–660).

By Mr. INOUYE, from the Committee on Armed Services, without amendment:

H.R. 9564. An act to remove the restrictions on the grades of the director and assistant directors of the Marine Corps Band (Rept. No. 91–662).

EXECUTIVE REPORT OF A COMMITTEE

As in executive session, the following favorable report of a nomination was submitted:

By Mr. EASTLAND, from the Committee on the Judiciary:

Laurence C. Beard, of Oklahoma, to be U.S. marshal for the eastern district of Oklahoma.

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. JAVITS:

S. 3400. A bill to amend the Economic Opportunity Act of 1964 as amended; to the Committee on Labor and Public Welfare.

By Mr. NELSON (for himself and Mr. MANSFIELD):

S. 3401. A bill to prohibit the sale or shipment for use in the United States of the chemical compound known as aldrin;

S. 3402. A bill to prohibit the sale or shipment for use in the United States of the chemical compound known as chlordane;

S. 3403. A bill to prohibit the sale or shipment for use in the United States of the chemical compound known as DDD/TDE;

S. 3404. A bill to prohibit the sale or shipment for use in the United States of the chemical compound known as dieldrin;

S. 3405. A bill to prohibit the sale or shipment for use in the United States of the chemical compound known as endrin;

S. 3406. A bill to prohibit the sale or shipment for use in the United States of the chemical compound known as heptachlor;

S. 3407. A bill to prohibit the sale or shipment for use in the United States of the chemical compound known as lindane; and

S. 3408. A bill to prohibit the sale or shipment for use in the United States of the chemical compound known as toxaphene; to the Committee on Agriculture and Forestry.

(The remarks of Mr. NELSON when he introduced the bills appear later in the RECORD under the appropriate heading.)

By Mr. PASTORE (by request):

S. 3409. A bill to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes; to the Joint Committee on Atomic Energy.

By Mr. BAKER (for himself and Mr. MUSKIE):

S. 3410. A bill to establish a structure that will provide integrated knowledge and understanding of the ecological, social and technological problems associated with air pollution, water pollution, solid waste disposal, general pollution and degradation of the environment, and other related problems; to the Committee on Public Works.

(The remarks of Mr. BAKER when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. AIKEN:

S. 3411. A bill to extend for 3 years the authority of the Secretary of Agriculture to provide indemnity payments to dairy farmers; to the Committee on Agriculture and Forestry.

By Mr. PROUTY:

S. 3412. A bill to authorize appropriations for activities of the National Science Foundation; to the Committee on Labor and Public Welfare.

By Mr. FONG (for himself and Mr. INOUYE):

S. 3413. A bill to provide for an investigation and study of Kaneohe Bay, Oahu, Hawaii, in the interests of pollution abatement, navigation, recreation, and overall bay development;

S. 3414. A bill to provide for an investigation and study of certain areas in the State of Hawaii in the interest of beach erosion control; and

S. 3415. A bill to provide for an investigation and study of certain streams in the State of Hawaii in the interest of flood control; the the Committee on Public Works.

By Mr. MCCARTHY:

S. 3416. A bill to extend to all unmarried individuals to full tax benefits of income-splitting now enjoyed by married individuals filing joint returns; to the Committee on Finance.

By Mr. MCGEE:

S. 3417. A bill to amend the Gun Control Act of 1968 to permit the interstate transportation and shipment of firearms used for sporting purposes and in target competitions; to the Committee on the Judiciary.

(The remarks of Mr. MCGEE when he introduced the bill appear later in the RECORD under the appropriate heading.)

S. 3401 THROUGH S. 3408—INTRODUCTION OF BILLS TO BAN THE USE OF PERSISTENT PESTICIDES

Mr. NELSON. Mr. President, on behalf of myself and the distinguished majority leader, the Senator from Montana (Mr. MANSFIELD), I introduce eight bills to ban eight of the most persistent, toxic pesticides presently used in the United States.

These eight bills will prohibit the interstate sale and shipment of eight insecticides in the chlorinated hydrocarbon family—aldrin, chlordane, DDD/TDE, dieldrin, endrin, heptachlor, lindane and toxaphene. These proposals are similar to a bill I sponsored last year to ban DDT.

The long-term toxicity of chlorinated hydrocarbon pesticides presents a deadly threat to fish, wildlife and the overall quality of the environment.

Twenty years ago, DDT and other emerging pesticides were acclaimed as the victors over diseases threatening man.

Their uses spread quickly to agricultural operations and later for the control of pests bothersome but not hazardous to man.

Their fame spread as did their use. Billions upon billions of pests have fallen victim to their dust, spray or powder.

But new strains of pests developed with increased resistance to DDT and other common pesticides.

Too often, instead of seeking more effective, more selective means of pest control, the reaction of most users has been to apply more, perhaps twice as much, to overcome the pest's newly attained resistance.

Pesticides have become a panacea to gardeners, farmers, entomologists and public officials as the easy way of solving a difficult problem of ecological balance. The highly publicized, but little understood, qualities of pesticides have encouraged many to use them in great quantities, regardless of the potential and too often ignored danger to the environment.

The result in too many cases has been new generations of harder-to-kill pests and massive pollution of our soil, water and air of toxic, persistent pesticides.

MORE THAN 900 MILLION POUNDS

Today, more than 900 million pounds of pesticides, including insecticides, herbicides, fungicides, rodenticides, and fumigrants, are used annually in the United States, about 4 pounds for every man, woman, and child in the United States. Last year, the sales of pesticides increased some 10 percent over the previous year and, by 1985, it is estimated that they will increase another sixfold.

Reports indicate that about 1 acre of every 10 in America is treated with an

average of nearly 4 pounds of pesticides every year.

The National Wildlife Federation reports roughly 75 percent of specimens of fish, birds, and mammals collected from various parts of the world, including the Arctic and Antarctic regions, contained DDT.

California marine scientists collected several hundred samples of fish and shellfish from the Pacific, in both salt water bays and the open sea. They reported 396 of the 400 samples analyzed contained measurable DDT residues.

NATIONAL PESTICIDE SURVEY

A 2-year national pesticide study recently completed by the U.S. Bureau of Sport Fisheries and Wildlife found DDT in 584 of 590 samples of fish taken from 45 rivers and lakes across the United States.

The study results showed DDT ranging up to 45 parts per million in the whole fish, a count more than nine times higher than the current FDA guideline level for DDT residues in fish.

Residues of DDT reached levels higher than the FDA's temporary limit of five parts per million in 12 of the rivers and lakes, including the Hudson in New York; the Delaware; the Cooper in South Carolina; St. Lucio Canal and the Apalachicola in Florida; the Tombigbee in Alabama; the Rio Grande in Texas; Lake Ontario; Lake Michigan; the Arkansas and the White in Arkansas; and the Sacramento in California.

Residues of dieldrin, a pesticide even more toxic to humans than DDT, were found in excess of the 0.3 parts per million FDA limit in 15 rivers and lakes including the Connecticut; the Hudson; the Delaware; the Savannah in Georgia; the Apalachicola; the Tombigbee; the Rio Grande; Lake Ontario; Lake Huron; the Illinois in Illinois; the Arkansas and the White; the Red River in Minnesota; the San Joaquin in California; and the Rogue in Oregon.

In summary, the comprehensive survey found DDT in almost 100 percent of the fish samples, dieldrin in 75 percent, heptachlor and/or heptachlor epoxide in 32 percent, and chlordane in 22 percent.

Related research over the 4-year period, ending in 1968, has determined that more than 1,640,000 fish were killed by pesticide pollution in the Nation's waters, the result of pesticide spills or runoff and concentration in our waters. Millions of more fish no doubt went unborn due to reproductive failures caused by pesticides.

Laboratory research has proven that pesticide levels in water, of even the low parts per billion, can be toxic to adult fish. Levels in low parts per trillion have been found to affect reproduction.

Already, the pesticide levels in Lake Michigan, the most pesticide polluted of the Great Lakes, are in the low parts per trillion range.

PESTICIDES IN DRINKING WATER

And findings released by the U.S. Public Health Service reported the detection of pesticides in 76 of 79 samples of drinking water supplies around the country. Although the Public Health Service report noted that so far the pesticide levels have not exceeded recommended permissible limits, the health service was concerned. The Public Health Service stated:

> The high frequency of occurrence and our lack of knowledge of the long-term health effects of this class of compounds dictate the need for increased surveillance and research as well as for increased recognition of the potential of this problem by state and local health departments.

In summary, the already massive and still accumulating evidence on pesticides makes it clear that these toxic compounds have become one of the most serious problems of our environment and are threatening even greater worldwide damage. Pesticides have concentrated to the far ends of the earth; they are killing fish and wildlife; they have inhibited fish and wildlife reproduction; high pesticide residues have pushed some fish-feeding birds and other animals to the edge of extinction, and now, there is increasing concern and evidence about the threats posed to man.

After last spring's action by the Food and Drug Administration's seizure of 28,000 pounds of pesticide-contaminated Coho salmon taken from Lake Michigan, it was hoped that the Federal Government would take some strong steps to eliminate pesticide pollution.

The report of the Pesticide Commission established by Health Secretary Finch was encouraging. It recommended an end of all nonessential uses of DDT and DDD within 2 years as well as strong restrictions on the use of other chlorinated hydrocarbon pesticides.

These recommendations echoed the mandate that had been set forth seven years ago by a Presidential Science Advisory Committee that the goal of our national efforts should be the "elimination of the use of persistent toxic pesticides."

AGRICULTURE DEPARTMENT FAILS

Then, in a widely-publicized announcement in November, the Agriculture Department said that it was canceling certain uses of DDT.

However, the Departments plan never got off the ground when the pesticide industry quickly initiated a complex series of appeals that could delay final action for years.

Under the Agriculture Department's regulations, manufacturers who appeal a cancellation order can continue to produce and sell pesticides until the appeal is resolved.

It appears that the Department played right into the industry's hands by failing to use its statutory authority to suspend certain uses of DDT before starting the cancellation proceedings. If the Department is serious about protecting the quality of our environment from pesticide poisoning, it should move without further delay and immediately suspend all nonessential uses of DDT.

The pesticide industry's continued resistance to reform coupled with the Agriculture Department's historical hesitancy to act makes it mandatory that legislative deadlines be set for banning persistent pesticides.

ENVIRONMENTAL AGENDA

This package of eight bills to ban the chlorinated hydrocarbon pesticides by June 30, 1972, is part of the environmental agenda for the 1970's which I proposed on January 19. I plan to introduce additional legislation on jet aircraft pollution, detergent pollution, nonreturnable containers, and pollution of the sea.

As public support grows for improved regulation of pesticide use, the agricultural community and others warn of crop disasters and skyrocketing food prices without pesticides.

But it is not an all or nothing situation. Effective, economical, alternative means of pest control have been developed to make many currently used persistent pesticides obsolete.

For example, the U.S. Department of Agriculture suggests an effective alternative for DDT on virtually every crop on which this most persistent, most expendable pesticide is presently used. In addition, a host of nonchemical means of pest control have been applied with great success in many parts of the country, including the development of crop varieties that resist insect attack, the introduction of natural enemies into the pest's environment, insect sterilization, and integrated procedures which combine chemical and biological control measures.

It seems unfortunate that neither the Agriculture Department nor industry has appeared willing to mount an all-out effort to improve alternative means of pest control.

The Agriculture Department has admitted that its programs to develop better nonchemical means of pest control were underfunded by at least $4 million last year.

There is no indication in the Department's budget for the coming year that any substantial increase in funds will be available for expanded research in the fields of biological pest control, hormonal techniques, natural plant resistance, and cultural control.

There never has been any excuse for the indiscriminate spraying of DDT and other chlorinated hydrocarbons from aircraft when the result is massive pollution of nearby rivers, lakes, fields, and communities.

INTEGRATED PEST CONTROL

Greater efforts must be made to increase the use of scientific integrated pest control, which can best be defined as an insect population management system that depends primarily on the use of beneficial predator insects with very limited reliance on the use of selective chemicals.

Presently there are successful integrated pest control programs in operation on the following crops: cotton, citrus fruits, apples and pears, tomatoes, potatoes, avocados, olives, grapes, corn, eggplant, lettuce, strawberries, and others.

This means of pest control is based on the principles of applied ecology. In order for success to be achieved, the fields must be placed under periodic surveillance to determine when and where specific pest infestations occur. When a problem is discovered, predators, parasites, or disease organisms specifically related to that pest are released to bring the pests back into a favorable balance. Very lim-

ited amounts of pesticide may be used, but only when absolutely necessary, and only on the infested area of the crop.

Americans cannot afford to wait any longer to discard the persistent pesticides in favor of less damaging means of pest control. Our environment has already been the target of the indiscriminate and unnecessary use of hard pesticides for far too long.

The long range biological effects of the global contamination caused by pesticide pollution is immeasurable. It has pushed majestic birds and creatures of the sea to the brink of extinction. It has permeated the air, the lakes, the rivers, the oceans and the soil.

The time has come to end this needless attack on the environment.

I ask unanimous consent that the text of these bills be printed in the record.

The ACTING PRESIDENT pro tempore. The bills will be received and appropriately referred; and, without objection, the bills will be printed in the RECORD. The bills:

S. 3401, a bill to prohibit the sale or shipment for use in the United States of the chemical compound known as aldrin;

S. 3402, a bill to prohibit the sale or shipment for use in the United States of the chemical compound known as chlordane;

S. 3403, a bill to prohibit the sale or shipment for use in the United States of the chemical compound known as DDD/TDE;

S. 3404, a bill to prohibit the sale or shipment for use in the United States of the chemical compound known as dieldrin;

S. 3405, a bill to prohibit the sale or shipment for use in the United States of the chemical compound known as endrin;

S. 3406, a bill to prohibit the sale or shipment for use in the United States of the chemical compound known as heptachlor;

S. 3407, a bill to prohibit the sale or shipment for use in the United States of the chemical compound known as lindane;

S. 3408, a bill to prohibit the sale or shipment for use in the United States of the chemical compound known as toxaphene; introduced by Mr. NELSON; for himself and Mr. MANSFIELD, were received, read twice by their titles, referred to the Committee on Agriculture and Forestry, and ordered to be printed in the RECORD, as follows:

S. 3401

A bill to prohibit the sale or shipment for use or shipment for use in the United States of the chemical compound known as aldrin

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal Insecticide, Fungicide, and Rodenticide Act (61 Stat. 163; 7 U.S.C. 135–135k) is amended by adding at the end thereof a new section as follows:

"SEC. —. Notwithstanding any other provision of this or any other Act, after June 30, 1972, it shall be unlawful for any person to distribute, sell, or offer for sale in any territory or in the District of Columbia, or to ship or deliver for shipment from any State, territory, or the District of Columbia, to any other State, territory, or the District of Columbia, or to receive in any State, territory, or the District of Columbia, from any other State, territory, or the District of Columbia, or a foreign country the chemical compound aldrin."

S. 3402

A bill to prohibit the sale or shipment for use in the United States of the chemical compound known as chlordane

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal Insecticide, Fungicide, and Rodenticide Act (61 Stat. 163; 7 U.S.C. 135–135k) is amended by adding at the end thereof a new section as follows:

"SEC. —. Notwithstanding any other provision of this or any other Act, after June 30, 1972, it shall be unlawful for any person to distribute, sell, or offer for sale in any territory or in the District of Columbia, or to ship or deliver for shipment from any State, territory, or the District of Columbia, to any other State, territory, or the District of Columbia, or to receive in any State, territory, or the District of Columbia, from any other State, territory, or the District of Columbia, or a foreign country the chemical compound chlordane."

S. 3403

A bill to prohibit the sale or shipment for use in the United States of the chemical compound known as DDD/TDE

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal Insecticide, Fungicide, and Rodenticide Act (61 Stat. 163; 7 U.S.C. 135–135k) is amended by adding at the end thereof a new section as follows:

"SEC. —. Notwithstanding any other provision of this or any other Act, after June 30, 1972, it shall be unlawful for any person to distribute, sell, or offer for sale in any territory or in the District of Columbia, or to ship or deliver for shipment from any State, territory, or the District of Columbia, to any other State, territory, or the District of Columbia, or to receive in any State, territory, or the District of Columbia, from any other State, territory, or the District of Columbia, or a foreign country the chemical compound 2,2 - bis(p-chlorophenyl)-1,1-dichlorethane, commonly known as DDD/TDE."

S. 3404

A bill to prohibit the sale or shipment for use in the United States of the chemical compound known as dieldrin

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal Insecticide, Fungicide, and Rodenticide Act (61 Stat. 163; 7 U.S.C. 135–135k) is amended by adding at the end thereof a new section as follows:

"SEC. —. Notwithstanding any other provision of this or any other Act, after June 30, 1972, it shall be unlawful for any person to distribute, sell, or offer for sale in any territory or in the District of Columbia, or to ship or deliver for shipment from any State, territory, or the District of Columbia, to any other State, territory, or the District of Columbia, or to receive in any State, territory, or the District of Columbia, from any other State, territory, or the District of Columbia, or a foreign country the chemical compound dieldrin."

S. 3405

A bill to prohibit the sale or shipment for use in the United States of the chemical compound known as endrin

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal Insecticide, Fungicide, and Rodenticide Act (61 Stat. 163; 7 U.S.C. 135–135k) is amended by adding at the end thereof a new section as follows:

"SEC. —. Notwithstanding any other provision of this or any other Act, after June 30, 1972, it shall be unlawful for any person to distribute, sell, or offer for sale in any territory or in the District of Columbia, or to ship or deliver for shipment from any State, territory, or the District of Columbia, to any other State, territory, or the District of Columbia, or to receive in any State, territory, or the District of Columbia, from any other State, territory, or the District of Columbia, or a foreign country the chemical compound endrin.

S. 3406

A bill to prohibit the sale or shipment for use in the United States of the chemical compound known as heptachlor

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal Insecticide, Fungicide, and Rodenticide Act (61 Stat. 163; 7 U.S.C. 135–135k) is amended by adding at the end thereof a new section as follows:

"SEC. —. Notwithstanding any other provision of this or any other Act, after June 30, 1972, it shall be unlawful for any person to distribute, sell, or offer for sale in any territory or in the District of Columbia, or to ship or deliver for shipment from any State, territory, or the District of Columbia, to any other State, territory, or the District of Columbia, or to receive in any State, territory, or the District of Columbia, or a foreign country the chemical compound heptachor."

S. 3407

A bill to prohibit the sale or shipment for use in the United States of the chemical compound known as lindane

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal Insecticide, Fungicide, and Rodenticide Act (61 Stat. 163; 7 U.S.C. 135–135k) is amended by adding at the end thereof a new section as follows:

"SEC. —. Notwithstanding any other provision of this or any other Act, after June 30, 1972, it shall be unlawful for any person to distribute, sell, or offer for sale in any territory or in the District of Columbia, or to ship or deliver for shipment from any State, territory, or the District of Columbia, to any other State, territory, or the District of Columbia, or to receive in any State, territory, or the District of Columbia, from any other State, territory, or the District of Columbia, or a foreign country the chemical compound benzene hexachloride, commonly known as lindane."

S. 3408

A bill to prohibit the sale or shipment for use in the United States of the chemical compound known as toxaphene

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal Insecticide, Fungicide, and Rodenticide Act (61 Stat. 163; 7 U.S.C. 135–135k) is amended by adding at the end thereof a new section as follows:

"SEC. —. Notwithstanding any other provision of this or any other Act, after June 30, 1972, it shall be unlawful for any person to distribute, sell, or offer for sale in any territory or in the District of Columbia, or to ship or deliver for shipment from any State, territory, or the District of Columbia, to any other State, territory, or the District of Columbia, or to receive in any State, territory, or the District of Columbia, from any other State, territory, or the District of Columbia, or a foreign country the chemical compound toxaphene."

S. 3410—INTRODUCTION OF THE NATIONAL ENVIRONMENTAL LABORATORY ACT OF 1970

Mr. BAKER. Mr. President, on behalf of myself and the junior Senator from Maine (Mr. MUSKIE), I introduce for appropriate reference a bill entitled the National Environmental Laboratory Act of 1970. I ask unanimous consent that the text of the bill be printed in the RECORD at the completion of my remarks.

Since I came to the Senate in January 1967, I have had the privilege of serving as a member of the Subcommittee on Air and Water Pollution of the Committee on Public Works, a subcommittee presided over by Senator MUSKIE. Prior to my assignment to the subcommittee, and well before general public awareness of the gravity of our environmental problems, Senator MUSKIE and other members of the subcommittee and the parent full committee had worked long and hard to promote that public awareness and to fashion effective legislation to counter the mounting threat to our planet posed by the often unanticipated side effects of this Nation's extraordinary industrial and technological growth. The first field hearing in which I took part as a Member of the Senate, less than a month after taking office, was as a member of the Subcommittee on Air and Water pollution in Los Angeles; the subject of those hearings was the impact of automobile emissions on air pollution in the Los Angeles basin. Out of those and subsequent hearings grew the Air Quality Act of 1967.

One of the most salient features of the subcommittee's activities is the uncommon bipartisan cooperation that its members have consistently enjoyed. The distinguished chairman and ranking minority member of the parent Public Work Committee—the Senator from West Virginia (Mr. RANDOLPH) and the Senator from Kentucky (Mr. COOPER)—are both members of the subcommittee. Senator MUSKIE as chairman and the Senator from Delaware (Mr. BOGGS) as ranking minority member have provided cooperative and progressive leadership of the highest quality. I am confident that this relationship will continue unimpeded in the future.

It was in this spirit of bipartisan cooperation that Senator MUSKIE and I met last summer with Dr. Alvin Weinberg, Director of the Oak Ridge National Laboratory, winner of the Atoms for Peace Award, and, in my humble opinion, one of the finest intellects of our time. Dr. Weinberg had mentioned to me some months earlier the germ of an idea for a network of national laboratories that would bring together first-rate minds from many different disciplines to work in an unprecedented and wholly systematic way on the manifold problems of environmental quality, problems that have hitherto been dealt with—when at all—in a fragmented or piecemeal fashion. After what was, for us, an exciting and stimulating meeting, Senator MUSKIE and I asked Dr. Weinberg to assemble an ad hoc task force at Oak Ridge for the purpose of undertaking a study of such a proposal and submitting an informal report to us. With the generous assent of the Atomic Energy Commission, such a project was undertaken by Dr. Weinberg and 30 other distinguished members of the Oak Ridge community, with many disciplines and viewpoints represented. Senator MUSKIE and I were given the report of the task force in December of last year. The legislation that we introduce today, the National Environmental Laboratory Act of 1970, is the direct outgrowth of this process.

Mr. President, the bill would create in Washington, D.C., a new agency of the Federal Government called the National Environmental Laboratory. The Laboratory, or NEL, would be maintained and administered by a nine-man Board of Trustees, four of whom would serve ex officio from other capacities and five of whom would be appointed by the President by and with the advice and consent of the Senate. The bill would authorize the establishment of not to exceed six regional national environmental laboratories at different sites in the Nation, whether through the utilization and expansion of existing Federal facilities, the acquisition or construction of new facilities, or both. Each such laboratory would be headed by a director appointed by and responsible to the Board of Trustees. The NEL and its regional laboratories would be financed in two ways: First, by five sequential annual appropriations of $50 million each into a special trust fund to be invested in interest-bearing obligations of the United States; and second, by the authorization of appropriations from time to time by Congress for the establishment and operation of the regional laboratories, provided that the cumulative appropriations for any single such laboratory could not exceed $200 million. Thus, in time, the entire complex, if fully realized, could require the appropriation of $1.45 billion in public revenues.

In principle, Mr. President, I am as reluctant as anyone to wish for any further proliferation of the already awesome maze of public agencies. I introduce this legislation to create another major agency of the Federal Government only because I am firmly convinced, after long and careful thought, that such an agency is urgently required. I hope to state briefly today the reasons for my conviction in this regard, and I hope that prompt and full public hearings on this proposal will substantiate the need that I feel for such an instrumentality.

In his state of the Union message on January 22 President Nixon made the unprecedented commitment of a national administration to the improvement of the quality of American life. He spoke compellingly of the need for new institutions and for the reform of existing institutions. Although he noted that pollution of our water, of our air, and of our land are the most immediate and visible manifestations of a deteriorating environment, he also made it clear that henceforth when we speak of the American environment and the quality of American life we are speaking of a "seamless web," of a massive and infinitely complex "system" from which no single part can be effectively and realistically isolated. Past, present, and future damage to our environment and deterioration of the quality of our lives has resulted and will result—insofar as we fail to prevent it—from the unanticipated side effects of myriad political, social, economic, scientific, and technological actions taken separately and without adequate consideration for their relationship to each other or their short- and long-term effects on the physical and social environment.

The great challenge of the future is to provide effective coordination of our individual and joint activities in a way that will anticipate and avoid unwanted ill effects while simultaneously preserving and enhancing the freedom of every citizen and every group to choose among the widest diversity of alternatives.

The achievement of environmental quality will require two somewhat distinct efforts: One is "retrospective," by which we seek to repair the damage of past and present activities; the other is "prospective," by which we seek to anticipate the full consequences of various alternative courses of action and freely choose those which best meet our needs and desires with the least possible cost—direct or indirect—to the quality of our physical environment and our lives.

Many public agencies—some think too many—already exist for the purpose of dealing in one way of another with various threats to our environment. Many of these agencies have made and will continue to make substantial and important contributions toward a better environment. Public Law 91–190 created a new Council on Environmental Quality in the Office of the President, and title II of Senate bill 7, now in conference with the House, if enacted by the Congress and signed by the President, will create an Office of Environmental Quality to furnish staff services to the new Council. The National Environmental Laboratory proposed by the legislation that Senator MUSKIE and I have introduced today would in no way supplant or conflict with these various agencies; the NEL and its regional laboratories would have no policy function, no regulatory function, no executive function. These are functions that quite properly reside in the Congress, the Executive, and the regulatory agencies.

Although the NEL would conduct some basic research and development its principal and overriding function would be the collection, processing, anlaysis, and dissemination of information bearing on the quality of our environment, as broadly defined by the President in his state of the Union message. Perhaps the heart of this process would be "analytical function"; for the very first time on any truly significant scale we could attempt to accomplish genuine interdisciplinary integration, by bringing together for cooperative endeavor the best from all of the many fields that make up our pluralistic society; lawyers; economists; demographers; political scientists; Federal, State, and local officials for short periods of time; natural scientists; social scientists; urban planners; transportation specialists; energy experts; oceanographers. The list is almost infinite.

The activities of the NEL would in no way supplant or discourage the normal integrative functions of the marketplace, the university, and other public and private agencies and institutions. On

the contrary, the work of the NEL would be readily available to anyone, and it is both hoped and anticipated that there would be free and continuing interchange of personnel, experience, resources, and information between all of these disparate groups and individuals and the NEL.

What is needed, Mr. President, is some way to effectively anticipate all of the consequences of alternative courses of action—so many of which are hidden—so that the Congress and the people can make free and intelligent choices with far greater awareness than we now have of what our choices—large or small—really mean and entail, for the present and for the future.

I believe that the enactment by Congress of this legislation, or some variation of it, will contribute in great measure toward these important goals.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3410) to establish a structure that will provide integrated knowledge and understanding of the ecological, social and technological problems associated with air pollution, water pollution, solid waste disposal, general pollution and degradation of the environment, and other related problems, introduced by Mr. BAKER, for himself and Mr. MUSKIE, was received, read twice by its title, referred to the Committee on Public Works, and ordered to be printed in the RECORD, as follows:

S. 3410

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Environmental Laboratory Act of 1970."

SEC. 2(a) The Congress finds—

(1) that the Nation is presently experiencing a rapid deterioration of environmental quality;

(2) that the environmental resources of the Nation are finite;

(3) that the demands of a growing population and an increasing material standard of living will place an additional burden upon the capacity of the environment;

(4) that the optimum allocation and use of our limited environmental resources will require the maximum use of scientific principles if the Nation is to restore and enhance the health, diversity, beauty, and capacity of the environment for perpetuity;

(5) that the development and technologies has often created unintended ecological, economic, and social effects which have a profound impact on the environment;

(6) that technologies must be assessed on a timely basis in order to detect and predict the detrimental effects these may have on the ecosystem, which includes man, and that existing technologies must continually be reappraised to detect latent detrimental effects;

(7) that the amelioration and prevention of environmental problems depend on a thorough understanding of the complex interactions among the human, natural, and technological components of the ecosystem, thereby requiring multidisciplinary research and analysis of the total environment;

(8) that while the established departments and mission-oriented agencies make valuable contributions in specialized research and development, they lack authority and organization to deal comprehensively with the inter-connected problems of the environment; and

(9) that a complete and thorough understanding of the ecosystem cannot be accomplished through fragmented application of specialized research and development efforts, but rather requires a unity of effort and emphasis which is focused on the restoration and enhancement of the total environment.

(b) The Congress declares—

(1) that in the interest of restoring and enhancing environmental quality it is necessary to establish an organization with sufficient professional breadth and scope to provide a unified and systematic approach to its area of concern; such organization to complement those agencies presently dealing with various aspects of the environment; and

(2) that the organization will conduct research, development, and analysis of environmental problems, which will include (A) data collection, information storage and dissemination, data analysis and synthesis, development of methods and devices, education and training, and environmental policy analysis; (B) the formulation, development, testing and demonstration of alternative solutions to environmental problems for consideration by policymakers, and (C) the performance of any other functions necessary to provide for the restoration and enhancement of the environment.

SEC. 3. There is established at the seat of government a National Environmental Laboratory and a Board of Trustees of the Laboratory (hereinafter referred to as the "Laboratory" and the "Board") whose duty it shall be to maintain and administer the Laboratory and site or sites thereof, and to execute other functions as are vested in the Board by section 4.

SEC. 4(a) The Board shall be composed of nine members as follows: (1) the Vice President; (2) the Chairman of the Council on Environmental Quality established by Public Law 91–190; (3) the Director of the Office of Science and Technology; (4) the Director of the National Science Foundation; and (5) five members appointed by the President from the public, by and with the advice and consent of the Senate. Not more than three of the public members of the Board may be members of the same political party.

(b) Each Member of the Board specified in clauses 1 through 4 of subsection (a) of this section may designate another official to serve on the Board in his stead.

(c) Each member of the Board appointed under clause 5 of subsection (a) of this section shall serve for a term of six years from the expiration of his predecessor's term except that (1) any such member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term and (2) the terms of office of such members first taking office shall begin on April 24, 1970, shall expire, as designated by the President at the time of appointment, one at the end of two years, two at the end of four years, and two at the end of six years. No member of the Board chosen from private life shall be eligible to serve in excess of two terms, except that the member whose term has expired may serve until his successor has qualified.

(d) The President shall designate a chairman and a vice chairman from among the members of the Board chosen from the public.

SEC. 5. In administering the Laboratory, the Board shall have all necessary and proper powers which shall include, but not be limited to, the power to—

(a) Establish regional national environmental laboratories not to exceed six in number with the geographical distribution of any such regional laboratories determined by environmental criteria, and if the Board determines it is feasible to initiate any regional National Environmental Laboratory through the transfer of certain research functions and facilities of existing national laboratories of the Atomic Energy Commission or any other Federal agency, the Board shall recommend to the President that such functions and facilities be transferred to the Laboratory.

(b) Establish broad policy directions for the Laboratory as determined from an analysis of the social and environmental priorities established by the Congress, the Executive Branch, and the private sector.

(c) Solicit, accept and dispose of gifts, bequests, and devises of money, securities, and other property of whatsoever character for the benefit of the Laboratory, and any such money, securities, or other property shall, upon receipt, be deposited into a special fund administered by the Board for the purposes of the Laboratory, and the source, amount and restrictions of any gift, bequest, or devise of money, securities, or other property in excess of $5,000 fair market value shall be included in the annual report required under section 10.

(d) Obtain grants from, and make contracts with, State, Federal, local, and private agencies, organizations, institutions and individuals;

(e) Acquire such site or sites as a location for the Laboratory or Regional laboratories;

(f) Acquire, hold, maintain, use, operate, and dispose of any physical facilities, including equipment, necessary for the operation of the Laboratory.

(g) Appoint and fix the compensation and duties of a General Manager and such other officers of the Laboratory as may be required. The compensation of the General Manager and other such officers shall be fixed without regard to the provisions of title 5 of the United States Code governing appointments in the competitive service and chapter 51 and subchapter III of chapter 53 of such title 5; and

(h) Appoint and fix the compensation and duties of a Director, or Directors and such other officers of the Laboratory to administer any regional Laboratory, or Laboratories, established pursuant to subsection (a) of this section; and such Director or Directors may be appointed and compensated without regard to such provisions of title 5.

SEC. 6. Any Director under clause (h) of section 4 shall be responsible for the management and development of the regional laboratory for which he is appointed and for the research program that such laboratory conducts, subject only to the broad policy directions provided by the Board pursuant to subsection (b) of section 4.

SEC. 7. The Board shall, in connection with acquisition of any site or sites, as provided for in clause (e) of section 4, provide to businesses and residents displaced from any such site or sites relocation assistance, including payments and other benefits, equivalent to that authorized to displace businesses and residents under the Housing Act of 1949, as amended. In providing such relocation assistance and developing such relocation program the Board shall utilize to the maximum extent the services and facilities of the appropriate Federal and local agencies.

SEC. 8. The Board is authorized to adopt an official seal which shall be judicially noticed and to make such bylaws, rules, and regulations as it deems necessary for the administration of its function under this Act, including, among other matters, bylaws, rules, and regulations relating to the administration of its trust funds and the organization and procedures of the Board. A majority of the members of the Board shall constitute a quorum for the transaction of business.

SEC. 9(a). There is hereby authorized to be appropriated to the Board $50,000,000 for each of five consecutive fiscal years beginning with the fiscal year ending June 30, 1971, to be deposited in a fund (hereinafter referred to as the "Special Trust Fund") for the perpetual maintenance and support of the long-term research activities of the Laboratory. It shall be the duty of the Board to invest such

Fund only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. For such purpose such obligations may be acquired (1) on original issue at the issue price, or (2) by purchase of the outstanding obligations at the market price. The purposes for which obligations of the United States may be issued under the Second Libery Bond Act, as amended, are extended to authorize the issuance at par of public-debt obligation for purchase by the Special Trust Fund. Such obligations issued for purchase by the Special Trust Fund shall have maturities fixed with due regard for the needs of the Special Trust Fund and shall bear interest at a rate equal to the average market yield (computed by the Secretary of the Treasury on the basis of market quotations as of the end of the calendar month next preceding the date of such issue) on all marketable interest-bearing obligations of the United States then forming a part of the public debt which are not due or callable until after the expiration of four years from the end of such calendar month; except that where such average market yield is not a multiple of one-eighth of 1 per centum, the rate of interest of such obligations shall be the multiple of one-eighth of 1 per centum nearest such market yield. The Board may purchase other interest-bearing obligations of the United States or obligations guaranteed as to both principal and interest by the United States, on original issue or at the market price only where it determines that the purchase of such other obligations is in the public interest. Any obligations acquired by the Special Trust Fund (except public-debt obligations issued exclusively to the Special Trust Fund) may be sold by the Board at the market price, and such public-debt obligations may be redeemed at par plus accrued interest.

(b) In addition to amounts appropriated pursuant to subsection (a) there are authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act; provided that not to exceed $200,000,000 may be appropriated for the use of any one Regional Laboratory established pursuant to subsection (a) of Section 5. Such sums appropriated under authority of this subsection shall remain available until expended.

SEC. 10. The General Manager of the Laboratory shall transmit annually to the President and to Congress a report which shall set forth, but not be limited to, (1) the audit reports required under subsection (a) of section 10 of this Act; (2) bibliographies, with annotations, of research performed, and (3) a description of on-going research programs.

Mr. MUSKIE. Mr. President, the current intense concern with the environmental crisis has obscured our basic lack of understanding of the fundamental issues. We know very little about the biological and physical parameters of human existence or how these parameters will affect man's future.

Environmental deterioration has been one of the costs of our technological development, yet we know little of its extent and less of what to do about it. We have reacted as best we can in a framework of limited understanding without an adequate perception of the many problems and the relationships between them.

Ecology is the science of environmental interrelationships, but ecology cannot give us answers from a crystal ball. We must begin now to make massive investments in programs of ecological research and environmental learning.

Late last summer, the Senator from Tennessee (Mr. BAKER) invited me to his office to meet with Dr. Alvin Weinberg, the Director, and other members of the Oak Ridge National Laboratory staff and to discuss the questions that I have just posed, and to consider a satisfactory response. Out of this meeting came a program for this purpose, the goal of the legislation that I join with Senator BAKER in offering today.

Senator BAKER has played an important role in the efforts of the Subcommittee on Air and Water Pollution. Senator BAKER has studied the nature of the environmental crisis and he has realized that an identification of the problems is academic if we are unable to propose means to achieve solutions.

This is an important bill, and I look forward to prompt consideration of it in the Subcommittee on Air and Water Pollution. We must commit ourselves now to an unprecedented research program.

S. 3412—INTRODUCTION OF THE NATIONAL SCIENCE FOUNDATION ACT OF 1971

Mr. PROUTY. Mr. President, I introduce for appropriate reference the National Science Foundation Act of 1971. I ask unanimous consent that the bill and a section-by-section analysis of the bill be printed at the end of my remarks.

This is the second year that the Senate has considered the authorization bill for the National Science Foundation as required by Public Law 90–407.

Last year I introduced a bill to authorize fiscal year 1970 appropriations for the Foundation. In subsequent hearings on the bill and related measures, it became apparent to me that the NSF would be better served if Congress were to enact 2-year authorization bills rather than a 1-year bill.

However, it was apparent that for fiscal year 1970 a 1-year authorization bill was more practical, while subsequent bills should authorize funds for 2 years. I believe a 2-year authorization is preferable in the assurance it provides that we shall maintain our momentum in science research and education.

The bill I introduce today, therefore, provides authorizations for fiscal years 1971 and 1972. The fiscal year 1971 authorization figure provides the new authorization required to conform with the President's NSF budget request. The bill would authorize "such sums as may be necessary" for fiscal year 1972.

However, I do not intend that this authorization should remain "open ended." Subsequent hearings on this measure should provide an exact dollar figure for the fiscal year 1972 authorization. This 2-year authorization bill will, I believe, better serve the Foundation in its diverse and worthwhile activities.

My continuing work on the subcommittee has given me a valuable insight into the important work that NSF carries out which I would like to share with my colleagues.

The National Science Foundation provides basic support for development of fundamental knowledge in all scientific fields and disciplines. Illustrating the importance of this support, two Nobel laureates were aided by the NSF in the research on understanding the genetic code and its function which led to their awards. Also of interest is the work under the deep sea drilling project sponsored by the Foundation which has produced important information about the geology of the ocean basins, as well as for possible future economic exploitation of ocean resources. Such knowledge and basic capability is needed to meet the challenge of maintaining a viable and growing, technologically based, physical and social environment. The authorization bill presented for your consideration will make it possible not only to maintain support of the required discipline-oriented research, but will make it possible to undertake a markedly increased emphasis in promoting research in areas where new scientific understanding is needed to aid in the solution of pressing problems affecting mankind.

In order to assure our continuing ability to add to the fund of knowledge which we need for the strength and progress of the Nation, the Foundation also supports programs which lead to the development of scientific and technical manpower as well as to the improvement of the quality of science education programs for all students at all levels. The task of providing effective science education for nonscientists, prospective scientists, and practicing scientists have resulted in many program modifications and innovations that have characterized the NSF programs in science education. Happily, this has steadily increased the revelance of NSF educational activities to contemporary situations and needs.

Time does not allow me to dwell on the other important NSF activities which contribute to the advancement of science. Taken as a whole, however, they comprise an important element of our scientific enterprise which has been developed so laboriously and with such great benefit to the Nation.

We are now in a period in which there are significant changes in the patterns of science support and performance. A leveling off in expenditures has taken place which has severely affected many programs and institutions. In the United States today there are laboratories which are not working to their full capacity; there are young people who want and deserve an education in science; and there are scientific opportunities of incalculable value which lie dormant. Because many Federal agencies support scientific research, the NSF authorization bill will not, by itself, remedy the situation I have described. The authorization involves only about one-eighth of the total Federal support for basic research, and only about one-sixth of the Federal funds for academic science. And yet, the support provided by the National Science Foundation, which will be possible through this authorization, will have considerable impact because the programs of the NSF extend over the entire range of scientific disciplines and throughout the geographic regions of the country.

It is clear that a strong, ever renewing science and technology is essential to our economic development, our national security and other elements of our na-

tional welfare. For these reasons, it is vital, and I urge that Congress approve this measure.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill and section-by-section analysis will be printed in the RECORD.

The bill (S. 3412) to authorize appropriations for activities of the National Science Foundation, introduced by Mr. PROUTY, was received, read twice by its title, and ordered to be printed in the RECORD, as follows:

S. 3412

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to the National Science Foundation $498,000,000 for the fiscal year ending June 30, 1971, and such sums as may be necessary for the succeeding fiscal year, to enable it to carry out its powers and duties under the National Science Foundation Act of 1950, as amended, and under title IX of the National Defense Education Act of 1958.

SEC. 2. Appropriations made pursuant to authority provided in section 1 shall remain available for obligation, for expenditure, or for obligation and expenditure, for such period or periods as may be specified in Acts making such appropriations.

SEC. 3. Appropriations made pursuant to this Act may be used, but not to exceed $2,500 in any fiscal year, for official reception and representation expenses upon the approval or authority of the Director of the National Science Foundation, and his determination shall be final and conclusive upon the accounting officers of the Government.

SEC. 4. In addition to such sums as are authorized by section 1 hereof, not to exceed $2,000,000 is authorized to be appropriated for each of the fiscal years ending June 30, 1971, and June 30, 1972, for expenses of the National Science Foundation incurred outside the United States to be paid for in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States.

SEC. 5. This Act may be cited as the "National Science Foundation Authorization Act of 1971".

The material submitted by Mr. PROUTY is as follows:

SECTION-BY-SECTION ANALYSIS

A Bill to authorize appropriations for activities of the National Science Foundation, and for other purposes.

SECTION 1. This section authorizes appropriations for the National Science Foundation for fiscal year 1971 in the amount of $498,000,000 and for such sums as may be necessary in fiscal year 1972.

SEC. 2. This section provides that appropriations made pursuant to section 1 shall remain available for obligation and expenditure for the period of time specified in appropriation acts.

SEC. 3. This section authorizes in any fiscal year an allowance of up to $2,500 for official reception and representation expenses to be expended at the discretion of the Director.

SEC. 4. This section authorizes, in addition to the funds appropriated by section 1, an appropriation in fiscal years 1971 and 1972 of up to $2,000,000 for expenses of the National Science Foundation incurred outside of the United States, to be financed from foreign currencies which are determined to be in excess of the normal requirements of the United States.

SEC. 5. This section cites the title of the Act: "National Science Foundation Authorization Act, 1971."

S. 3417—INTRODUCTION OF A BILL TO AMEND THE GUN CONTROL ACT OF 1968

Mr. McGEE. Mr. President, I introduce, for appropriate reference, a bill to relax some of the burdensome restrictions placed upon sportsmen by the Gun Control Act of 1968.

Under the present law it is very difficult and very restrictive for a person genuinely interested in the sport of hunting or competitive match shooting to purchase a gun or ammunition in a State where he is participating in such sport and then transport or send this gun or ammunition to his home State.

My bill would exempt only firearms and ammunition "recognized as particularly suitable for sporting purposes or—of the type or class of firearm customarily used in any organized firearm match or contest" from the ban against interstate sale or shipment written into the 1968 law. Second, this amendment would only apply when such firearm or ammunition is intended for the personal use of the recipient or purchaser.

Mr. President, you will recall that the recordkeeping provisions of the Gun Control Act were eliminated for rifle and shotgun ammunition last year through the adoption of an amendment which I cosponsored. This bill which I am introducing today then is the second step toward perfecting the Gun Control Act by removing from it some of the provisions which have their most serious impact on legitimate shooters who wish only to pursue legitimate hobbies or sports. Two years of experience under the Gun Control Act have demonstrated that these control measures have the sole effect of imposing troublesome requirements on sportsmen and other law-abiding citizens but have no effect on criminals and do not seriously deter crime.

For these reasons, I opposed the 1968 Gun Control Act. Instead, I support measures which directly deter crime, such as laws which would impose mandatory additional penalties and prison terms for offenses committed while possessing or using firearms. By removing sportsmen's firearms and ammunition from the act, we would not weaken the drive against crime but we would remove unnecessary inconvenience for law-abiding citizens.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 3417) to amend the Gun Control Act of 1968 to permit the interstate transportation and shipment of firearms used for sporting purposes and in target competition, introduced by Mr. McGEE, was received, read twice by its title, and referred to the Committee on the Judiciary.

ADDITIONAL COSPONSORS OF A BILL AND A JOINT RESOLUTION

S. 2948

Mr. HATFIELD. Mr. President, on behalf of the Senator from Tennessee (Mr. BAKER), I ask unanimous consent that, at the next printing, the name of the Senator from Delaware (Mr. BOGGS) be added as a cosponsor of S. 2948, to restore balance in the federal form of government in the United States; to provide both the encouragement and resources for State and local government officials to exercise leadership in solving their own problems; to achieve a better allocation of total public resources; and to provide for the sharing with State and local governments of a portion of the tax revenue received by the United States.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SENATE JOINT RESOLUTION 61

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Minnesota (Mr. McCARTHY), I ask unanimous consent that, at the next printing, the name of the Senator from Nevada (Mr. CANNON) be added as a cosponsor of Senate Joint Resolution 61, amending the Constitution of the United States relative to equal rights for men and women.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE RESOLUTION 356—RESOLUTION REPORTED AUTHORIZING THE PRINTING OF ADDITIONAL COPIES OF REPORT ENTITLED "ORGANIZED CRIME CONTROL ACT OF 1969"

Mr. McCLELLAN, from the Committee on the Judiciary, reported the following original resolution (S. Res. 356); which was referred to the Committee on Rules and Administration:

S. RES. 356

Resolved, That there be printed 1200 additional copies of the report entitled "Organized Crime Control Act of 1969" (S. Rep. No. 91-617) for the use of the Committee on the Judiciary.

SENATE RESOLUTION 357—SUBMISSION OF A RESOLUTION CALLING FOR A MORE BALANCED SET OF ANTI-INFLATIONARY POLICIES

Mr. MONDALE. Mr. President, there is no need for anyone to dwell for long on the floor of this Senate deploring the continuing and destructive rate of inflation.

Last year the Consumer Price Index rose by 6.1 percent. That is a loss in a single year of nearly $10 from the real purchasing power of every weekly paycheck of $150—an erosion of over $60 from the real worth of every $1,000 in savings.

But the simple rise in prices—which, after all, means that at least some people must be getting higher incomes—is not in itself the only problem. The real evil of inflation, rather, lies in the social and economic distortions it creates.

Inflation has been called the cruelest tax. It is, indeed, a tax, but it is more pernicious than any tax ever devised by government.

It falls most heavily on those least able to pay—the poor, the aged, and all others living on a relatively fixed income. In fact, even the wage earner can no longer keep up with inflation, as weekly real take-home pay declined throughout the last 3 months of 1969.

It robs the savings—especially of those who do not have the wealth and the financial expertise to store savings in real property or in other forms which can "hedge" against inflation.

It weakens our productive capacity, distorts the allocation of our resources, and worsens our balance of payments as American goods become priced out of the world market.

Surely, all know these problems and we all deplore inflation. Yet we are not stopping inflation.

For a while, the persistence of steadily rising prices could be attributed—with some charity—to a "new administration," which had not yet had time to grapple with economic problems. More reasonably, the persistence of inflation could be attributed to a natural "lag" which separates the initiation of the "cure" and the actual results as seen in a stabilization and then a lowering of the various price indices.

But prices have not yet even leveled off—they have actually continued rising at an accelerated pace. Whereas the overall increase in the Consumer Price Index last year was 6.1 percent, the increase in prices during December was at a 7.2-percent annual rate. Prices rose by 0.4 percent in October, another 0.5 percent in November, and another 0.6 percent in December. And only recently, we learned that the wholesale price index jumped by its biggest increase in a year—at an incredible annual rate of 8.4 percent.

We acknowledge that the President inherited an inflationary economy. But inflation in 1968 was 4.7 percent—serious, yet not as serious as the 6.1 percent which the current administration achieved in their first year of office.

This is not simply the result of a lag. It is clear and simple evidence that current anti-inflationary policies are ineffectual.

But this is not all. These current policies may well be even worse than ineffectual. The cure may be as disastrous as the disease, itself. Specifically, the policies by which we are now fighting inflation—and, by implication, the absence of policies which the administration has conspicuously chosen to neglect—may be causing social and economic dislocations and hardship nearly as serious as the inflation, itself.

The current administration has focused almost exclusively on the "money market"—that is, on the highest interest rates in over 100 years—to combat inflation. The theory behind this policy is that high rates of interest will cut down on investment spending and thereby moderate upward pressures on prices.

Certainly, to a degree this is true. Higher interest and tighter money do have some restraining influence on some kinds of investors.

However, they do not stop the major corporate investor, who finances internally or else is relatively unconcerned by the market rate of interest.

They do not stop consumer spending where unsolicited credit cards and "easy payment terms" lead people to borrow more and more, regardless of finance charges.

High interest rates do not stop Government waste—such as the nearly $21 billion in cost overruns reported in the Pentagon by the General Accounting Office.

And, overall, higher interest rates have not stopped inflation—witness, again, the situation today where inflation has been accelerating for the last 3 months—reaching over 0.6 percent in December alone—even as our "money market" policy moves us to the very edge of a recession.

Astronomical interest rates do, however, make it virtually impossible for the average man to buy a home.

They do severely cripple the construction industry, and move us further and further away from the housing goals of the 1970's.

And they do put an intolerable burden on municipal governments and school boards which must continue to borrow money to meet desperate local needs, or turn to the even more tragic alternative of raising local property taxes.

I am not alone in these observations. While some economists have differed as to the timing of monetary ease, economists of all political and economic persuasions are now convinced that we need a change from our current policy of placing all faith in monetary restraint.

Milton Friedman, the famous "monetarist" of the Chicago school and with whom I have probably shared more disagreements than agreements, has been calling for monetary policies which would lower interest rates.

Walter Heller, the chief architect and popularizer of the new economics said over a month ago that—

> A recession of damaging social and economic consequences may be just around the corner if the Federal Reserve does not relent.

In a more recent statement before a joint session of the American Economics Association and the American Agricultural Economics Association, Dr. Heller asked:

> Has our economic slowdown gone far enough and its fiscal policy going to be tight enough to permit some monetary easing? The answer is yes . . . to ease today is the better part of economic and social valor.

In the administration, itself, Secretary of Labor Shultz has called for an easing of monetary restraint.

Finally, at least two of the seven Governors of the Federal Reserve Board—in whose hands we place decision to maintain or lower interest rates—have publicly called for some resolution of monetary restraint and a better balance of anti-inflation policies.

What interest rates have done is to place a grossly unfair burden of a largely ineffectual fight against inflation upon the homebuilding industry and a few other selective sectors of the economy.

We all know that the current shortage of housing is one of our severest domestic problems. Only with 2.6 million new starts a year can we begin to meet the crisis of this next decade and meet the goal of 26 million units in the 1970's.

But housing starts are down today from a rate of 1.7 million to a low of 1.4 million new starts.

A $20,000 home on a 30-year mortgage would incur interest costs alone of $26,000 at a rate of 6¾ percent which only a very short time ago was thought to be a fairly high rate of interest.

Last year, with mortgage money, at best, at 7½ percent, this home buyer would have signed up to pay $30,300 in interest charges alone over the 30 years and now, with FHA and VA rates at an astronomical 8½ percent, the home buyer will add $35,400 to his principle of $20,000 to make a grand repayment over 30 years of $55,400.

Between 6¾ and 8½ percent is a matter of nearly $25 a month, and $9,000 over the span of 30 years.

It is no wonder that the average family finds they simply cannot afford the home for which they have saved for so many years. It is no wonder that the construction industries, the savings and loan industry and others involved in this sector should feel a terribly unfair share of the burden of restraint. And it is no wonder that long-range planners are at a loss to say where people can be kept in the next 10 years unless we begin finally to move toward—or at least to stop retreating from—our goal of decent housing for all Americans by the end of the 1970's.

Current anti-inflationary policies threaten more than the construction industry. Within the philosophy of restraint and austerity is the willingness to accept increases in unemployment as the price for restraining prices.

But who pays this price? Not the businessman or banker who are calling for us to restrain the economy. Not the economists, Government officials, or politicians who similarly express willingness to accept this trade.

It is the worker who stands to lose—his overtime, his normal workweek, and even his job.

Already, real take-home pay has dropped as worker's hours have been cut at the same time as prices have risen. Taking into account the shorter workweek as well as the rising cost of living, the average American today is worse off in real terms than he was 4 years ago.

Even more, this unfair and unnecessary burden of unemployment will be felt by the "last hired"—largely the young, the unskilled, and the minorities. It is from their paychecks, their self-respect, and their futures that the current stabilizing policies seem prepared to pay for the cost of restraint.

Recent data supplied by the Department of Labor indicate that a 1-percent increase in unemployment—from 3.5 to 4.5 percent:

Would have just under a 1-percent increase in white, adult unemployment.

Would increase unemployment among black adult males from 3.9 to 7.0 percent.

Would increase unemployment among teenage whites from 11.4 to 12.4 percent.

And would increase unemployment among teenage blacks from 22.9 to 26.2 percent.

It is a serious and tragic mistake to feel that we must accept unemployment as the price for stopping inflation. But to place the burden of inflation—and the burden of restraint—upon the poor, and the black would be intolerable.

So far, all the administration has planned is for some job training. While training is important and even essential,

it begs the central problem of rising unemployment which is, very simply, no jobs. We must have, in addition to training, a program which can actually provide worthwhile jobs to those who may fall victim to the policies of restraint.

What I am arguing for is simply a more reasonable mix of anti-inflationary policies. Rather than put all of our hopes into aggregate monetary and fiscal policies, we should supplement and complement monetary and fiscal policy with an entire range of selective policies:

First. The administration must immediately undertake to roll back interest rates. While I recognize the semi-independence of the Fed, we must assume that the administration has some reasonable influence over the policies of a newly appointed chairman. More important, the administration should consider the possible use of Public Law 91–151 passed by the Congress last session and enabling the President to institute selective credit controls.

Second. We can do much more to promote economy in Government, particularly in Pentagon procurement policies. Recent studies by the Joint Economic Committee have supported additional budget cuts of $10 billion which would still merely get at waste, and would not jeopardize our commitments here or abroad. Better procurement policies, with competitive bidding and standardized accounting procedures would also help toward this end. Fiscal discipline is surely necessary, but this can well be undertaken in areas of clear and unjustified waste, and should not have to detract from human programs and other pressing social needs.

Third. There is a whole host of other Government wastes which can be cut as anti-inflationary policy: The oil depletion allowance, oil import quotas, price supports to wealthy farmers in excess of $20,000, various restrictive tariffs, clumsy payments procedures in such programs as medicare, and medicaid, and many others.

Fourth. We must seek to carefully coordinate economic policy with programs in manpower training, job creation, and public service employment. Only in this way can we keep the young, the black, the poor, and the unskilled, from having to bear all of the actual burden of restraint. At the same time, of course, we must pursue a mix of anti-inflationary policies which do not threaten significant increases in unemployment.

Fifth. Finally, and perhaps the most important, the administration must abandon its avowed policy of "hands off all price and wage decisions." Dr. Arthur Okun, with the most recent data, has demonstrated quite conclusively that this decision by the current administration not to become involved in "the marketplace" was not a "neutral" position, but was, quite the contrary, a very positive "go ahead" to many of the generally noncompetitive basic industries. Dr. Okun calculates, in fact, that this indirect "go ahead" was, by itself, responsible for between one-half and 1 percent of the extra inflation in wholesale industrial prices.

Our economy cannot run all by itself. We are too interdependent. The public has too great a stake in price and wage decisions. Competition in many sectors is too imperfect, too limited. And the Government, itself, has too great an impact on prices and wages.

For all of these reasons, the administration can no longer abdicate responsibility for participating actively in price and wage decisions which affect the public interest.

Mr. President, in light of these grave problems:

The obvious ineffectiveness of our current anti-inflationary policies, and

The obvious social and economic distortions which our current policies are creating;

I am submitting a Senate resolution which I ask, by unanimous consent, be printed at the close of these remarks.

This resolution states the sense of the Senate that:

First. A more balanced set of anti-inflationary policies must be pursued, and

Second. That the Senate must examine the peculiar nature of inflation in different sectors of the economy—such as basic industries, food, housing, medical care, and the money market—and draw recommendations for a policy mix based on the extent, causes, and most appropriate cures for these different forms of inflation.

We must cease fighting old inflation with the wrong policies. The sheer pressure of excess demand has been taken out of the economy. What remains is an inflationary psychology, a momentum of price and wage increases in certain key sectors, and other structural problems. A simplistic policy of monetary restraint is not enough. We need to seek new, flexible, and pragmatic policies. It is to encourage and facilitate this that I submit my resolution, on behalf of myself and Senators CRANSTON, GRAVEL, HART, INOUYE, MANSFIELD, MOSS, and RANDOLPH.

The ACTING PRESIDENT pro tempore. The resolution will be received and appropriately referred.

The resolution (S. Res. 357) was referred to the Committee on Banking and Currency, as follows:

S. RES. 357

Whereas the United States is currently experiencing a rate of inflation which amounted to a 6.1 percent increase in the Consumer Price Index in 1969, which steadily accelerated through the last quarter of that year, and which currently shows no sign of a significant moderation;

Whereas such a rate of inflation is known to weaken our production base, distort the allocation of resources, and worsen the international balance of payments;

Whereas such a rate of inflation is known to redistribute income, placing the greatest burden upon those with fixed or relatively fixed incomes, with proportionately higher expenses in such areas as medical payments, or with proportionately more of their assets held in money form;

Whereas this inflation has been accompanied by a rise in interest rates to their highest level in over one hundred years;

Whereas these high interest rates have had a severe impact on selected sectors of the economy, principally upon the construction industry, municipal governments and independent school districts, farmers, and small businesses;

Whereas the economy showed no real growth in the last quarter of 1969 adjusting for price increases, indicating that the United States may be on the verge of the first economic recession in nine years;

Whereas past and current efforts to control inflation have been directed almost exclusively toward the "aggregate economy," relying principally upon high interest rates and tight money, and, to a lesser degree, upon achieving a surplus in the Federal budget;

Whereas these anti-inflationary policies have paid insufficient attention to the very substantial differences in the extent and cause of, and in the most effective cures for, inflation with respect to various sectors of the economy such as: housing, food, medical care, basic industries, and others; and

Whereas this reliance upon aggregate policies of restraint with a principal concentration upon high interest rates and tight money has not brought inflation under control, but has severely distorted the economy, damaged the housing industry, and currently threatens to lead into a recession and intolerable increases in unemployment: Now, therefore, be it

Resolved by the Senate, That it is the sense of the Senate that the Administration, with the cooperation of the Congress, should seek a more balanced set of anti-inflationary policies to the end of combatting inflation and bringing down interest rates while spreading the burden of restraint more equitably among all sectors of the economy and the population, through such policies as:

1. Taking a direct interest in price and wage movements in key sectors of the economy, and taking steps to resist increases which, in the light of profits, productivity, increased costs of living, and the degree of competition in the sector, appear to be unjustified and contrary to the public interest;

2. Making use of discretionary credit controls and other such policies as provided by law to control investment spending without placing an excessive burden upon the housing industry;

3. Seeking to coordinate economic policy with programs in manpower training and public service employment to reduce the unemployment-inflation tradeoff;

4. Examining the possible inflationary impact of the government policies with respect to procurement, stockpile management, subsidies, trade restrictions, and others; and be it further

Resolved, That it is the sense of the Senate that the Congress should examine price and wage movements in such key sectors of the economy as: Basic industries, housing, food, medical care, education and other public expenditures, and the money market for answers to the following questions:

1. What has been the extent of inflation in that sector?

2. What has been the social and economic impact of inflation in that sector?

3. What have been the apparent causes of inflation in that sector?

4. How susceptible has that sector been to aggregate fiscal and monetary restraint?

5. What policy consequences can be drawn from the above information with respect to the optimal "mix" of anti-inflationary policies?

AMENDMENT OF LABOR-MANAGEMENT RELATIONS ACT, 1947 RELATING TO EMPLOYER CONTRIBUTIONS FOR JOINT INDUSTRY PROMOTION OF PRODUCTS IN CERTAIN INSTANCES

AMENDMENT NO. 485

Mr. FANNIN submitted an amendment, intended to be proposed by him, to the bill (S. 1369) to amend section 302(c) of the Labor-Management Rela-

tions Act, 1947, to permit employer contributions for joint industry promotion of products in certain instances, which was ordered to lie on the table and to be printed.

NOTICE OF HEARINGS ON DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS

Mr. BIBLE. Mr. President, I wish to announce that hearings on the budget estimates included in the Department of the Interior and Related Agencies appropriation bill will be held by the subcommittee of the Committee on Appropriations charged with the responsibility for that bill beginning Wednesday, February 18.

The hearings wil begin at 9:30 in the morning and will be held in Room 1114, New Senate Office Building. They are scheduled through March 20 for departmental witnesses.

I have set aside Wednesday, April 1, to hear Members of Congress, and I will appreciate it if they will advise me or the clerk of the subcommittee as soon as possible if they desire to appear. On Monday, April 13, the subcommittee will hear from outside witnesses.

I ask unanimous consent that the schedule of hearings be printed in the RECORD.

There being no objection, the schedule was ordered to be printed in the RECORD, as follows:

SCHDEULE OF SENATE HEARINGS, THE DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATION BILL, FISCAL YEAR 1971, ROOM 1114, NEW SENATE OFFICE BUILDING, 9:30 A.M., UNLESS OTHERWISE NOTED

Wednesday, February 18, Secretary Walter J. Hickel.

Thursday, February 19, Bureau of Land Management.

Monday, February 23, 9:30 a.m., Office of Territories—Administration, Guam and American Samoa, 2:00 p.m., Trust Territory of the Pacific Islands.

Tuesday, February 24, Geological Survey.

Wednesday, February 25, Bureau of Mines.

Thursday, February 26, Office of Coal Research, Office of Oil and Gas.

Monday, March 2, Bureau of Outdoor Recreation, Land and Water Conservation Fund.

Tuesday, March 3, National Park Service.

Wednesday, March 4, Office of Saline Water, Office of Water Resources Research.

Thursday, March 5, Office of the Solicitor, Office of the Secretary.

Monday, March 9, Bureau of Indian Affairs.

Tuesday, March 10, Indian Claims Commission, National Council on Indian Opportunity, Indian Health Service.

Wednesday, March 11, Bureau of Commercial Fisheries.

Thursday, March 12, Bureau of Sport Fisheries and Wildlife.

Friday, March 13, Forest Service.

Monday, March 16, National Gallery of Art, Smithsonian Institution.

Tuesday, March 17, Public Land Law Review Commission, American Revolution Bicentennial Commission, Federal Field Committee for Development Planning in Alaska.

Thursday, March 19, National Capital Planning Commission.

Friday, March 20, Commission of Fine Arts, National Endowment for the Arts, National Endowment for the Humanities.

Wednesday, April 1, Members of Congress.

Monday, April 13, Outside Witnesses.

POSSIBLE IMPERFECTION OF GENOCIDE CONVENTION—NO ARGUMENT AGAINST U.S. RATIFICATION

Mr. PROXMIRE. Mr. President, the United Nations Convention on Genocide has been the subject of criticism from many sincere men. The late Secretary of State, John Foster Dulles, had grave reservations about the real efficacy of the Convention on Genocide.

I do not dismiss this criticism or skepticism. But if the U.S. Senate waited for the perfect law without any flaw or shortcoming, the legislative record of any Congress would be a total blank. I am amazed that men who daily see that the enactment of any legislation is the art of the possible could captiously not pick an international covenant on the outlawing on genocide. Through this convention the commission of specified acts with intent to exterminate national ethnic, racial, or religious groups as such is made a crime under international law.

The Genocide Convention has as its stated objectives the preservation of man's most precious right, the right to live. When the Genocide Convention was submitted to the Senate 21 years ago only five nations had ratified it. Since then another 74 nations have ratified the Genocide Convention but not the United States.

America is conspicuous. We are conspicuous for our remarkable national record in the struggle for human rights. We are just as conspicuous for our international absence in the ratification of the United Nations Convention on Genocide. We should resolve without further hesitation or excuse this hypocritical inconsistency between domestic achievement and international indifference. One can always find another "the" to change to "an" if that be his objection. Seventy-four nations have recognized this elementary fact and have chosen to ratify the Convention on Genocide. I am certain that if these nations had wished they could have found phrases not to their national taste in this document, but they perceived a larger responsibility—a responsibility to mankind—to individually and collectively condemn inhuman barbarism.

Mr. President, the Nixon administration has joined the Johnson, Kennedy, Eisenhower, and Truman administrations in calling for ratification of this convention and it seems to me the Senate should perceive that same obligation and move quickly to ratify the Genocide Convention at last.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business?

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LET US RESTORE RURAL AMERICA

Mr. BURDICK. Mr. President, it seems to me as this body undertakes its consideration of H.R. 514 to extend programs of assistance for elementary and secondary education, we are on a quest for wisdom. Not so much for ourselves, although I hope we shall demonstrate this quality in our deliberations, but rather for the children of today who will be citizens of the 21st century. For with all the tumult and revolt that has beset our people, our greatest hope must lie with the future generations who, I am convinced, must be better trained and inspired if they are to lead mankind out of the new wilderness of ravaged nature with its ecological blight.

I need not enumerate for Senators the specter of inflation, pollution, war, famine, and the population extinction, except to add that it would appear that mankind is strapping the steeds of the dreaded horsemen of the Apocalypse, as they speed across the horizons of this planet at an ever-increasing gait.

It is not my purpose to predict grim prospects for the year 2000, but rather to stand on its threshold and urge that we dedicate ourselves to the creation of the kind of mental and moral fiber in our youth, that they may be better prepared to cope with the ravaging waste of our great resources.

Over the past 200 years, since the inception of the industrial revolution, mankind seems bent on the destruction of lifegiving nature that has stood for millions of years. The overpowering desire to master the machine and capture the full benefits of its material promise have robbed us of a tranquillity of soul and spirit so necessary for the deep understanding of the threats that plague the world today. Nature reflects its abhorrence of our savage haste.

If humanity is our principal resource, we have faulted it in America, the richest nation on earth.

Why should our average level of education stand at 11 years of schooling in our urban areas, and only 9 years in our rural areas?

Why should twice as many urban children attend college as children from the rural sections?

Why are there still 10,000 one-room schools in this Nation, still isolated from the mainstream of programs in improving the quality of education?

Why do only two pupils in 10 receive college degrees?

Why are 60 percent of our high school students unprepared to hold a job?

Why do 10 million elementary children in this Nation attend schools without libraries?

These are but a few of the problems that lie on our doorstep. Unless long-range action is taken, what illiteracy will plague us after this Nation has increased its population to 300 million in the near future?

The State of North Dakota, which I represent, is an agricultural State and its citizens have derived their livelihoods from the bountiful prairies at the sweat of their brows. The farming areas of this Nation feed, not only this country, but also a large portion of the world and yet

closely related to the problems I have enumerated here is the difficulty of these good people to maintain an adequate standard of living in our prosperous economy.

In recent years we have been told that 70 percent of our population, or 140 million people live on 2 percent of the land. Recently we have been advised by the Brookings Institution that if current trends continue to the end of the century, 77 percent of the predicted 300 million Americans will then be jammed into just 11 percent of our continental land area.

We are confronted with an immense problem calling for a new rural environment which would reverse the migration to our urban centers. Have we not pyramided misery into ghetto buildings with the migration of some 20 million people from the land to the cities? Has it been profitable for America to empty vast areas of its rural regions, losing population in one-third of its counties in the 1960's?

In a recent year 421,000 persons moved from the farm to the cities. I suggest that this heavy migration, which has found many of our citizens ill prepared for demands of urban life, has only added to the misery and despair of our large cities.

I am impressed that H.R. 514 makes provision for correcting many of these deficiencies. America can ill afford a lack-lustre program for the training of its youth. Irrespective of the priorities and competing demands of other programs, education must share a more important place in our national priorities and interest.

For example, under modern day guidance and testing programs the potential of our youth can be readily determined. As stated by Dr. Roger T. Lennon, vice president, Harcourt, Brace & World, Inc., and director of their test department to the Senate Subcommittee on July 16, 1969:

> Well conceived testing programs are indispensable in the early identification of varieties of talent, in the assessment of its growth and development, and in the fruitful mating of talents to the varieties of tasks that must be performed in the national welfare.

Our rural population has given us the greatest agricultural industry in the world. Our people on the land have provided this Nation with the lowest food costs of any nation in the world in terms of percent of disposable income. Proportionately, citizens of other nations must expend two to three times the amount American citizens require for food and fibers.

I hope when our President spoke of enhancing the quality of life, he meant to emphasize the spiritual, as well as the material enhancement of our great Nation. For only a mind that is trained will be able to cope with the staggering threats to humanity over the next 30 years. I, for one, believe that we must place high priority on our educational programs, with particular emphasis on the rural areas because only in this way will our rural people be prepared to meet the demands of industry and commerce as we witness an increase of 100 million people in our population, and hopefully, a reversal in the vast migration from the rural areas to the cities.

As long as we pile billions upon billions for armaments, space journeys, supersonic aircraft, and assistance to foreign nations, we most certainly cannot deny every child in America the right to an adequate education. One that will average beyond 16 years of age—one that will average beyond 14 years of age for rural children—one that will provide America with the best trained and skilled minds in the world.

I know for a fact that the people of my great State prefer their land to be family owned and operated. I know that they are desirous of children growing up in that State and being able to find useful occupations in the farming areas. They, too, deserve better quality in their lives, which can only be accomplished by extending greater educational advantages to the rural and local areas.

H.R. 514 provides this, and even though the extension of our authorization from the primary and secondary facilities of this Nation totals $35 billion between now and 1975, I believe that America can well afford it. It is the least we can do.

SENATE JOINT RESOLUTION—AUTHORIZING AND REQUESTING THE PRESIDENT TO PROCLAIM THE FIRST FULL WEEK IN MAY AS NATIONAL EMPLOY THE OLDER WORKER WEEK

Mr. RANDOLPH. Mr. President, on March 10, 1969, a number of Senators joined me in sponsoring a joint resolution to authorize and request the President of the United States to issue a proclamation designating the first full week in May as "National Employ the Older Worker Week," and calling upon the people of the United States to observe such a week with appropriate ceremonies, activities, and programs. The Senators cosponsoring this measure are Senator WILLIAMS of New Jersey, chairman of the Special Committee on Aging, and Senators BIBLE, FANNIN, FONG, KENNEDY, MILLER, MONDALE, MOSS, MUSKIE, YARBOROUGH, and YOUNG of Ohio, all of whom are members of our committee.

I regret that the joint resolution is still awaiting action in the Judiciary Committee. At this time, it is my purpose to reemphasize the need for this measure and to outline supporting information which has been developed by the Special Committee on Aging.

In a working paper prepared by the National Institute of Industrial Gerontology for our committee, it was forcefully pointed out that our Nation does not have a clear-cut policy for maximum utilization of older workers. The distinguished authors of the working paper emphatically concluded:

> The price the Nation pays for failure to maximize employment opportunities for older workers is increased dependency. We do not see an increase in dependency as a good tool with which to fight inflation. We all have much more to gain through a national effort to raise our productive capacity and simultaneously provide meaningful job opportunities for older people.

As chairman of the Subcommittee on Employment and Retirement Incomes, I have had a longstanding concern over the need for increased efforts to maximize employment opportunities for the elderly. Accordingly, at my direction the subcommittee held hearings in December on the "Employment Aspects of the Economics of Aging."

These hearings clearly revealed that the critical period in employment for adult men occurs during their late forties and early fities. In fact, beginning about age 45 several trends become evident:

Unemployment begins to rise;

The duration of unemployment increases substantially; and

Labor force participation declines.

During the past two decades, a large number of older workers have withdrawn from the labor force. For example, in 1966 there were 1,253,000 men in the 55 to 64 age category who were not in the labor force. This represented nearly 600,000 more than in 1947—a 90-percent increase. For men 65 and over the employment dropout rate has more than doubled during the past 20 years. From 1947 to 1966 the number of men 65 and older who were not in the labor force increased from 2,590,000 to 5,635,000—a 118-percent increase.

If current labor force participation trends continue, one out of every six men, presently in the 55 to 59 age bracket, will not be in the labor force by the time he reaches the age of 64. Ten years ago this ratio was only 1 out of 8.

Mr. President, underutilization of the older worker is probably costing our Nation billions of dollars in terms of lost production and services and added expenses for unemployment compensation and public assistance. More importantly, the impact on these individuals in terms of frustration, despair, and the loss of the sense of dignity and status is incalculable.

Several studies have demonstrated that elderly workers are physically and mentally capable of performing their tasks as well as their younger counterparts. In many instances, they are better equipped because of added experience and mature judgment.

In recognition of the benefits to be derived from the employment of older persons, the Amerigan Legion has promoted since 1959, a program to designate the first full week in May as "Employ the Older Worker Week." My resolution is directed toward bringing this meritorious objective to a nationwide endeavor by encouraging public and private efforts to take advantage of the experience and talents of elderly persons. It is my genuine hope that the Senate Judiciary Committee will take prompt and favorable action on this resolution to focus increased national attention on the advantages of employing older persons.

Mr. President, I ask unanimous consent that Senate Joint Resolution 74 be printed at this point in the RECORD.

There being no objection, the joint resolution (S.J. Res. 74) was ordered to be printed in the RECORD, as follows:

S.J. RES. 74

Joint resolution to provide for the designation of the first full calendar week in May of each year as "National Employ the Older Worker Week"

Whereas many older workers have difficulty finding and retaining employment despite

their experience, stability, dependability, energy, and enthusiasm; and

Whereas failure of qualified older workers to find employment is unfortunate from the standpoint of the Nation in that there is a failure to take full advantage of their potentials for helping the Nation to reach its objectives; and there is an increased possibility that they and their dependents will need public assistance and a decreased possibility that they will pay taxes; and

Whereas the unemployability of qualified workers not only impoverishes them in the present but can also reduce future retirement income due to inability to acquire social security quarters of coverage and credits under other retirement systems; and

Whereas unemployment of qualified older workers may adversely affect younger members of their families as well as themselves; and

Whereas Congress, in enacting the Age Discrimination in Employment Act of 1967 (Public Law 90–202), recognized the necessity of implementing the national policy of prohibiting age discrimination in employment with an active program of education and information concerning the advantages of employing older workers; and

Whereas the American Legion has, for approximately ten years, designated the first week in May each year as "National Employ the Older Worker Week", which it celebrates by commending employers who have taken the leadership in employing older workers: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating the first full calendar week in May of each year as "National Employ the Older Worker Week" and calling upon employer and employee organizations, other organizations officially concerned with employment, and upon all the people of the United States to observe such week with appropriate ceremonies, activities, and programs designed to increase employment opportunities for older workers and to bring about the elimination of discrimination in employment because of age.

Mr. WILLIAMS of New Jersey. Mr. President, I wish to associate myself with the comments made by the distinguished Senator from West Virginia (Mr. RANDOLPH) concerning Senate Joint Resolution 74, which would authorize and request the President to issue a proclamation designating the first full week in May as "National Employ the Older Worker Week."

The need for focusing attention on efforts to encourage the employment of older persons has been made abundantly clear in hearings before the Special Committee on Aging, of which I am chairman.

Statistical information received by the committee demonstrates the critical employment situation for a large number of older workers. For example, the committee has been informed that one out of every eight unemployed men 45 to 64 is unemployed for 6 months or longer. about 50 percent of all men unemployed for 6 or more months are 45 and older; the risk of unemployment is 25 percent greater after age 45 than 10 years previously, and about 38 percent greater again after attaining the age of 55; and the risk of remaining unemployed for 6 or more months is more than twice as great for men after they reach 45 than for adult men under 45.

Several studies have refuted the notion about widespread deterioration of an individual's work performance with increased age. In testifying before the Committee on Aging in 1968, Sol Swerdloff of the Bureau of Labor Statistics stated:

> Some years ago, the Bureau conducted a series of studies to explore some questions regarding the relative job performance of older workers versus workers in younger age groups. The findings of these studies were very helpful in destroying the myth about the widespread deterioration of workers' job performance with advanced age. The most important findings which emerged from these studies, which covered both production workers and office workers, were: First, the differences in output per man-hour among age groups were relatively small, and for office workers, particularly were significant; second, there was considerable variation among workers within age groups so that large proportions of the workers in older age groups exceeded the average performance of younger groups; and, third, workers in the older age groups had a steadier rate of output, with considerably less variation from week to week, than workers in younger age groups. Thus, arbitrary barriers to the employment of older workers which are related to the job performance were demonstrated to be unwarranted.

Moreover, many other studies have already conclusively demonstrated that older persons possess many qualities which would make them effective and efficient employees. In his testimony before the Committee on Aging, Prof. Oscar Kaplan of San Diego State College said:

> Many studies have shown that the middle-aged worker has character and personality traits which make him a highly desirable employee. He tends to be more reliable, more highly motivated, less mobile, less accident-prone, and less likely to be absent for trivial reasons.

However, in our work-oriented society, far too many elderly persons are relegated to lead empty and neglected lives. Their outstanding talents and skills are frequently ignored or overlooked. While older age will oftentimes bring loneliness and frustration, it should be a time for meaningful service and continued self-development.

With the added focus provided by this resolution, we can hope to make progress to provide a life of dignity and self-respect for older persons who wish to remain active during their later years. Most older persons under 65 and many older individuals over 65 prefer employment to retirement because they need larger incomes which jobs provide in order to meet their household and family responsibilities. In addition, many persons over 65 need employment to supplement inadequate retirement benefits.

For these reasons, I also urge prompt and favorable consideration of the joint resolution.

NEED FOR A NATIONAL DENTAL HEALTH PLAN FOR CHILDREN

Mr. BIBLE. Mr. President, I invite the Senate's attention to a guest editorial which was authored by the distinguished Senator from Washington (Mr. MAGNUSON) and published in this month's edition of Parents' magazine. It is entitled "Needed: A National Dental Health Plan for Children."

Senator MAGNUSON points out some hard facts about America's perennial problem of dental disease and then makes some cogent suggestions for effective action. His approach is based, in part, on recommendations of the American Dental Association.

As a member of Senator MAGNUSON'S Appropriation Subcommittee concerned with Federal health expenditures, I am well aware of his interest in this question. I share his conviction that we can use the Federal funds allocated to this purpose more effectively than we have in the past.

Parents' magazine serves its millions of readers well by publishing Senator MAGNUSON'S comments. Senators will find it not only instructive but especially appropriate, since this week is being celebrated as the 22d annual National Children's Dental Health Week.

RUDY YORK, GREAT DETROIT TIGER STAR, DIES

Mr. GRIFFIN. Mr. President, one of baseball's alltime greats, Rudy York, died last night in Rome, Ga., of lung cancer.

Rudy York was born in Ragland, Ala., and joined the Detroit Tigers in 1937.

He hit 18 home runs in August of his rookie year with the Tigers for a major league record that still stands. Rudy York wound up that first season with 35 homers, his career high.

Again, in 1938, he set an American League mark by hitting three grand-slam homers in one season for the Detroit Tigers.

Rudy York played mostly at first base for Detroit, but during his career he also caught, played third base, and the outfield.

He remained with the Detroit Tigers until 1945, then went briefly to the Boston Red Sox, the Chicago White Sox, and the Philadelphia Athletics before retiring in 1948.

Mr. President, in 13 years in the major leagues Rudy York appeared in 1,603 games with a .275 lifetime batting average. He hit 227 home runs and drove in 1,152 runs.

In 1943, as a Detroit Tiger, he led the American League in home runs with 34 and runs batted in with 118.

Mr. President, I am sure all Michigan mourns the passing of this great baseball star. As a Detroit Tiger, he saw action in two world series; in 1940, and again in 1945. Later, he was to play in a third world series as a member of the Boston Red Sox in 1946.

Rudy York is gone, but his records still stand. It is a testimony to achievement that is respected, and given honor, by baseball fans everywhere.

PATRIOTISM PROCLAMATION

Mr. TALMADGE. Mr. President, there are being circulated from Columbus, Ga., "patriotism proclamations" in support of law and order, the U.S. Government, and American fighting men in Vietnam.

I understand that many thousands of signatures are being secured, not only in Georgia but throughout all the Nation. This effort is being sponsored by

the Gold Star Wives and Gold Star Mothers association of Columbus, that is, ladies who have lost husbands or sons in battle.

Their proclamation is an outstanding statement of American resolve. It expresses love and respect for God and country; obedience to the law; and calls for a renewal of courage, determination, and faith by Americans everywhere. At a time when the Nation is so divided by the frustrating war in Vietnam, by racial dissention and even radicalism, and by the multitude of social and economic problems that have plagued our country in recent years, I know of no more important and impressive undertaking than to attempt to bring unity and strength to all our people. In my judgment, it is all the more effective when such an effort emanates from the grassroots level, from a group of concerned mothers and wives, as this proclamation does.

I for one do not believe that American citizens ought to flinch or act uncomfortable in proclaiming their patriotism or devotion to God and country. I am convinced that an overwhelming majority of people throughout the land do not think so either.

But, unfortunately, we have had those among us lately who would heap abuse upon their Government, who would tear down and defile the American flag, and who would in effect give aid and comfort to our Communist enemy in Vietnam. I will never believe that these people speak the real voice of America. Yet, and to me this is extremely regrettable, their voices have been loud and raucous.

That is why it is refreshing and heartening to hear from Americans who I believe do speak for this great Nation. These are citizens who subscribe to the orderly process of law, who prefer reason to radicalism, and whose patriotism is deep rooted and old-fashioned.

I salute these ladies for the good work they are doing. I commend them for their faith in the American people. I wish them every success.

I bring this "patriotism proclamation" to the attention of the Senate and ask unanimous consent that it be printed in the RECORD.

There being no objection, the proclamation was ordered to be printed in the RECORD, as follows:

PATRIOTISM PROCLAMATION: AMERICANS FOR PATRIOTISM

(By Mrs. Juanne L. Dalton; sponsored by: Gold Star Wives and Gold Star Mothers of Columbus, Ga.)

"And so, my fellow Americans, ask not what your country can do for you; ask what you can do for your country. My fellow citizens of the world, ask not what America will do for you, but what together we can do for the freedom of man."

—John F. Kennedy

We hereby state our intent to support, uphold and defend our government—those elected officials and representatives who represent us, our fellow men and our country.

We believe we should channel any suggestions, protests and differences of opinions through the same democratic manner as our forefathers did. We recognize that "United we stand, divided we fall". And furthermore, we feel that the majority must govern, not the minority, as has been the case recently in so many instances. We offer our renewed and continued allegiance to God, under whom this country was founded.

We shall not and will not, tolerate the actions of those among us that would attempt to circumvent law and order, desecrate, destroy, vilify, agitate, pit us one against the other, ruin, overthrow, devastate, or in any manner cause harm to our country or our fellow man. We serve notice to all that we will with all the lawful means at our disposal, stand up to, resist, refuse to allow this destruction.

We deplore the sickness of spirit that is indicated in apathy, indifference, intolerance, prejudice, and exploitation of youth, for we recognize that our country need not fear the enemy without, but rather the enemy that is within our very confines. We need to renew our courage, determination, concern, intestinal fortitude, and faith.

Furthermore, we would remind all that our country—richest of all nations—was founded on strength, not permissiveness, and with faith in God, supported by Him. We can hope to endure only as long as this faith continues. We believe in freedom of religion, rather than freedom from religion, as some would have it.

II Chronicles 7:14 expresses our conviction of what America needs: "If my people who are called by my name, humble themselves, and pray, and seek my face, and turn from their wicked ways; then I will hear from heaven, and will forgive their sin and heal their land."

THE CONNECTICUT ELECTRIC LEAGUE

Mr. METCALF. Mr. President, on January 28 I inserted in the CONGRESSIONAL RECORD comparative expenditures by electric utilities on research and development and advertising. These statistics—from the utilities' own reports—showed that they spend much more on advertising and promotion than they do on research and development.

I also referred in my remarks to a long interview, published in Electrical World, with the vice president of Northeast Utilities, a utility holding company with affiliates in Connecticut and Massachusets. He discussed how to handle the "environmentalism" issue. He complained about the "R. & D. burden" and suggested that the utilities spend more money, not on R. & D., but on improving their image, so that people would think they are doing more to protect the environment.

As I pointed out, the four affiliates of his holding company spent 50 times as much on apparently unburdensome advertising and sales expenses in 1968 as they spent on the research and development "burden."

Mr. President, I believe the public should know of the formation of a new organization, designed not to improve environment but to improve the utility image, at public expense. I refer to the Connecticut Electric League, whose president, in soliciting financial support from electrical contractors and heating contractors, holds forth the carrot of publicly financed contributions from the investor-owned utilities:

He wrote on January 20:

The utility companies within the States have pledged generous financial support if we are successful in this sustaining membership drive.

Mr. President, I ask unanimous consent to have printed in the RECORD the letter signed by President Richard F. Fagan of the Connecticut Electric League, 900 East Main Street, Meriden, Conn., and the list of officers and directors as they appear on the letterhead.

There being no objection, the letter and list were ordered to be printed in the RECORD, as follows:

CONNECTICUT ELECTRIC LEAGUE, INC.,
Meriden, Conn., January 20, 1970.

To: Electrical Contractors and Heating Contractors.

The need for a united voice and front for the electrical industry in Connecticut, in order to promote all of its phases, has been clearly evident for many years. This need has been met by the formation of the Connecticut Electric League, Inc., and is functioning as your representative in such areas as:

1. Contribution to the favorable image of the electric industry in Connecticut.
2. The advancement of the professional and social interests of individual members.
3. The promotion and growth of the entire electrical industry.

The Connecticut Electric League, Inc., is comprised of eight divisions which represents all categories of our entire field as indicated by the composition of our board of directors. You are, therefore, represented by a board member within your division and can benefit in the activities and impact of the League as it achieves its goals.

Your participation in the Connecticut Electric League, Inc. as a sustaining member company is vital if the League is to be a forceful voice of the electrical industry in Connecticut. The utility companies within the state have pledged generous financial support if we are successful in this sustaining membership drive.

Please complete the attached membership application blank and mail it to me along with your check for $35. The check is to be made payable to the Connecticut Electric League, Inc.

At the present time, we are only accepting sustaining memberships; applications for individual membership will be considered at a later date.

Sincerely,

RICHARD F. FAGAN,
President.

OFFICERS AND DIRECTORS OF CONNECTICUT ELECTRIC LEAGUE, INC.

OFFICERS

Richard F. Fagan, President.
Francis Murphy, Vice President.
Stan Killeen, Secretary.
E. Shepard Huntley, Assistant Secretary.
Sam Child, Treasurer.

DIRECTORS

Appliance Dealers: Herman Glazer, Robert Lederer, Francis Murphy, Russ Potterton.

Distributors: Donald Levine, Elmer Quinn, Mal Rosen, Ralph Sackett.

Utilities: Charles Byron, Louis Carofano, Charles Cook, Thomas Mazzucchi, H. J. Mosher, Quentin Q. Quinn.

Contractors: John P. Dolan, William F. O'Neil, Chester Salan, Robert Werme.

Manufacturers: L. S. Goodwin, James J. Hennessy, William E. Parks, Charles R. Snow.

Architects and Engineers: Walter Damuck, Milton E. Lawrence.

Manufacturers Representatives: Byron Brewer, Daniel Patton.

Associates: Ken Cagney, Charles Pyle.

At-Large: R. A. Goldrick, J. C. Hicks, W. J. Queen, J. Vincent Sweeney.

CIGARETTE SMOKING AGAIN LINKED TO CANCER

Mr. MOSS. Mr. President, the American Cancer Society's report "Effects of Cigarette Smoking on Dogs," which was made public yesterday, is a landmark

contribution to research on smoking and health.

This study produced two important findings. First, lung cancer can be induced in test animals by cigarette smoking. Second, filters can reduce the cancer causing qualities of cigarette smoke, by reducing tar and nicotine.

These findings support my long held position that tar and nicotine contents should be listed on cigarette ads and packages to inform the smoker fully of the hazards involved. There is still no indication that a truly "safe" cigarette is available, but some cigarettes apparently are less lethal than others. The smoker is entitled to know where the greater hazards lie.

The release of the study was very timely, since House-Senate conferees will meet shortly on the House and Senate passed bills on cigarette advertising, and the conclusiveness of the findings will strengthen the hand of those of us who favor the strong Senate bill.

Stuart Auerbach contributed to this morning's Washington Post an especially well-written news story on the findings of the American Cancer Society study. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CIGARETTES PRODUCE CANCER IN TEST DOGS

(By Stuart Auerbach)

NEW YORK, February 5.—A medical scientists said today he has linked cigarette smoking to human lung cancer by growing cancers in animals.

The subjects were 12 beagle dogs forced to smoke nine unfiltered cigarettes a day for 2½ years, which is equivalent to about 18 years in man.

This is the first time after years of trying that scientists have been able to produce lung cancer in animals by making them smoke.

The American Cancer Society, in announcing the research results here, said the findings "effectively refute contentions" by the tobacco industry, which has maintained that the link between smoking and lung cancer is merely statistical because scientists failed to develop lung cancer in smoking animals.

A spokesman for the industry-supported Tobacco Institute said it was intensely interested in the experiments, but added that no meaningful parallel could be drawn "between human smoking and dogs subjected to these most stressful laboratory conditions."

The study was conducted by Dr. Oscar Auerbach, a pathologist at the Veterans Administration hospital in East Orange, N.J., and an expert on smoking and cancer.

His pioneering research into the effects of cigarette smoking on the lungs provided much of the scientific basis for the 1964 report of the U.S. surgeon general on cancer.

A secondary finding of the Auerbach study, said Dr. E. Cuyler Hammond, a Cancer Society vice president for statistical research, showed that cigarettes with effective filters cause less damage to the lungs of dogs than the same cigarettes smoked without filters.

"The evidence indicates that lung tissue damage advances less rapidly with the smoking of filter-tip cigarettes than with the smoking of nonfilter cigarettes," he said.

The Cancer Society cautioned, however, that filter-tip cigarettes are not "safe cigarettes." They are just "less harmful."

For the study, financed by the Cancer Society and the Veterans Administration, Auerbach took 97 pure-bred, healthy young male beagle dogs, opened a hole in their windpipes and inserted a tube leading to a cigarette holder. Three dogs died before the study started.

Eight dogs were used as "controls" and did not have tobacco smoke introduced into their lungs.

The others were trained to smoke by starting on one filter-tip cigarette a day. At first they resisted, "but after they got used to it," said Hammond, "the dogs begged for their cigarettes—if wagging their tails and putting out their paws is begging."

Even the cigarettes were specially picked—a brand using filter tips that remove 40 per cent of the tar and 37 per cent of the nicotine. The researchers purchased 480,000 cigarettes of this unnamed brand and removed the filters from some.

The dogs were divided into four groups: one smoked only filter tipped cigarttes. Another was the "heavy smokers" group on nine cigarettes a day. The third was "lighter smokers" on about 4½ cigarettes a day.

A fourth category was made up of the 38 heaviest dogs, which were put on the "heavy smoker" ration of nine cigarettes a day for as long as they lived. A dozen of them (31.6 per cent) died during the study and two of them when autopsied were found to have lung cancer.

In the other group of heavy smoking dogs, half also died during the study. The deaths were mostly due to lung or heart ailments that included emphysema, fibrosis and corpulmonale, a heart disease that starts with lung problems and includes an unusual enlargement of the right side of the heart.

These are all rare causes of death in dogs, said Hammond.

And, he added, the lungs of the smoking dogs showed the same type of changes found in the lungs of humans who smoke—"the progressive destruction of lung tissue" in a way that rarely occurs in nonsmokers. Ten cases of lung cancer were found later in this group.

None of the control dogs died, Hammond said, and only two light-smoking and two filter-smoking dogs (16.7 per cent) died.

Although Hammond emphasized that the numbers were not large enough to make a big point of the deaths, he said, "In 2½ years you don't expect relatively young dogs to die."

At the end of 875 days, all the remaining dogs—except those in the special "largest dog" group—were killed. Their lungs were removed, given coded identifications and shuffle so that Dr. Auerbach would not know what group the specimens he was studying came from.

From these studies of pathological slides of the lungs of the dogs came the most significant part of the report: Dr. Auerbach noted tumors that indicated "progressive changes that went from the benign to the malignant." He also saw the giant nuclear structure that characterizes cancer cells and the spreading of the cancer throughout the lung.

The key sign of cancer—one that every pathologist will agree with, said Dr. Raymond Yesner of Yale—is "invasive behavior, the aggressive behavior of cells breaking through natural boundaries and membranes." Yenser, who also appeared at the press conference, heads the pathology panel of a VA lung cancer committee.

This, he and Dr. Auerbach agreed, occurred in 12 of the heavy-smoking dogs.

In addition, Auerbach reported finding "early invasive squamous (sheet) cell" cancer in the bronchial tubes of two dogs who smoked filtered cigarettes.

"We feel that the early invasion of the bronchial tubes are exactly like those we saw in humans," said Auerbach.

Lung cancer is the leading killer among cancers, and the Cancer Society estimates that 62,000 Americans will die from it this year. Since 1952, the Cancer Society has been sponsoring scientific studies attempting to link cigarette smoking with cancer.

The society said the Auerbach findings "should have a significant impact on the smoking of cigarettes in this country . . ."

No one was spotted smoking cigarettes today while Auerbach and Hammond made their report at a special scientific session held in conjunction with the cancer society's board of director's meeting here.

But during the press conference, Hammond pulled out a pipe and began puffing on it.

ENVIRONMENTAL QUALITY CONTROL IN OREGON

Mr. HATFIELD. Mr. President, I invite the attention of Senators to the accomplishments which my great State of Oregon is making in the area of environmental quality control.

Environmental pollution is one of the most vital issues facing us in these emerging seventies. We must act now to establish firm policies regulating all forms of pollution—air, water, noise, overpopulation, land, and soil.

Establishment of such policies can only come through the cooperation of all sectors of the community. Oregon is a fine example of this cooperative spirit.

A very thorough summary of our efforts is presented in a recent article by Tom Donaca, staff counsel to the Associated Oregon Industries.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ENVIRONMENTAL QUALITY TOP ISSUE IN 1970

(By Thomas Donaca)

Foremost on the horizon is the rising crescendo of public demand for the maintenance of our environment.

It can be measured in terms of the ever-increasing numbers of organizations such as the League of Women Voters and the Junior League, who are showing interest in this kind of activity—not to mention existing organizations such as the Sierra Club. But significant also is the formation of entirely new organizations, such as the Oregon Environmental Council, whose sole purpose is to keep track of matters affecting our environment.

It can be measured politically in terms of the ever-increasing number of legislative enactments by the Oregon Legislature in the field of air and water quality, both by way of putting greater restrictions on industrial-commerical activity and broadening the areas of coverage or air pollution such as backyard burning.

Perhaps most vividly it can be measured by the fact the Columbia-Willamette Air Pollution Authority has sought extradition of an officer of a corporation doing business in the State of Oregon on a misdemeanor for violating an air pollution ordinance. The Governor of the State in which the officer lives has honored the extradition. This indicates that not only have the people in the Legislature given a high priority to our environment and it is recognized not only in Oregon but by the highest elective office of another state.

While the voice of the public and the politician is being heard in ever-louder terms, it is unfortunate the voice of business has been stilled, particularly here in Oregon, where the accomplishments of industry in maintaining and enhancing quality of our environment have been notable.

The Willamette River Implementation Program, aimed primarily at industrial firms discharging wastes into the Willamette, requires not only primary but secondary treatment of that effluent not later than 1972 and many of the firms will have their secondary treatment completed well before the

deadline. Also the ever-increasing requirements of our statutes have placed local sewage treatment plants under such restrictions that they are required to improve their treatment and in most instances local government entities are attempting to achieve these requirements.

It is unfortunate in this latter respect that federal funding for sewage treatment plant construction by local governments is so far under-appropriated that delays are being occasioned here due to lack of funding.

As John Mosser, former chairman of the Oregon State Sanitary Authority (Environmental Quality Commission) has noted, many people want to return to the good old days when you could rent a canoe at the foot of the Hawthorne Bridge and paddle through Portland Harbor. But as Mr. Mosser also noted, it was not until 1933 that there was a municipal sewage treatment plant on the Willamette River and, therefore, the Willamette River was an open running sewer. Matter of fact, the Willamette River is cleaner today than it was in 1928.

In the field of air quality, it must be remembered Oregon was the first state to grant statewide jurisdiction over air quality control to the State Sanitary Authority. While this operation has been under-budgeted during much of its lifetime, notable advancements have been made in the field of air quality. Certainly the 1964 ordinance establishing a City of Portland Air Quality Program consistent with the state program with substantial funding has brought industrial emissions in the Portland area under greater control than almost any place in the United States.

The creation of Regional Air Quality Authorities in 1967 by our Legislature has brought close control over industrial air quality emissions since the first of 1968 and these agencies are well-funded to do the job.

On the horizon then, it is essential that industry tell its story, what it has done, how it has done it and what it still proposes to do. For only in that way can we bring into balance the approaching conflict between the so-called public interest and industry interests, which may appear different, but are not incompatible. Actually industry and the public are close to actual agreement on what can, should and must be done. It is essential that industry continue its fine efforts in the field of air and water quality control and the public be made fully aware of what industry can and will do and what the problem really is.

For instance, we know that in Los Angeles industry has been brought under the closest possible control yet the problem still grows. It is still growing because of public emissions by automobiles, backyard incinerators, open burning, garbage dumps, etc. We must be gravely concerned about this conflict because if it is allowed to develop into an open and hostile battle, both industry and the people will lose.

The State Environmental Quality Commission and three Regional Air Quality Authorities are in the process of implementing 1969 legislation requiring air pollution monitoring programs, requiring notification of changes in either air quality emissions or new sources of emissions and they are specifically given the right to approve or disapprove of plans to bring these emissions within standards of state or regions.

These organizations are also promulgating new air pollution standards such as for carbon monoxide emissions, visible automobile exhaust emissions, sulphur dioxide emissions, as well as the grain loading or the amount of particulate matter which may be emitted from any source or process. Standards grow ever tighter and industry must be cognizant of its responsibility. It must always be remembered the primary problem in the field of air and water quality are not the new industries locating in Oregon but those industries that were resident in Oregon before the advent of noticeable air or water pollution problems. It is these firms who have the greatest difficulty both economically and as far as technical feasibility is concerned in meeting standards imposed.

One new area growing rapidly in the field of environmental control is that of solid waste.

It has come into its own very rapidly and has primarily come about because of the ever-greater pressure on air and water quality matters which are converting many previously un-thought-of problems into solid waste problems. This includes the problems of what to do with oil, auto body interiors, tires, fires from open-burning dumps and unwillingness of dump operators to accept certain types of refuse at disposal sites.

While there were vast land areas available for discarding refuse and nobody really cared about how it was discarded, there was no problem. But as our urban areas grow, disposal sites become rarer, and more expensive and more remote. There is virtually no good literature on the subject.

The Urban Affairs Interim Committee of the Oregon Legislature is studying the problem to determine if further legislation is necessary. It is a subject that is bound to grow both in its complexity and in its cost. It is a matter that deserves and demands the attention of the industrial and governmental communities as well as the public in order to insure realistic and long-lasting answers to a problem that has too long been swept under the rug.

A PLEA FOR LEGISLATIVE FAIRNESS ON THE VOTING RIGHTS BILLS

Mr. ERVIN. Mr. President, on December 16, after a few days of discussion, the Senate referred H.R. 4249, the administration's voting rights bill, to the Committee on the Judiciary with instructions to report it back as the pending business on March 1.

The time limit imposed on the committee apparently stems from the belief of some Members that they must take drastic steps in order to insure that they will have an opportunity to discuss the bill, propose amendments, and vote on those amendments. At least, that was the reason alleged at the time. It was argued very strenuously that this time limit somehow was required to guarantee the right to discuss and the right to vote.

Mr. President, only four southerners are members of the 17-man Judiciary Committee. We cannot defeat any amendments the other members might wish to offer. Quite the contrary, the shoe is on the other foot—and it pinches, I admit. The 13 nonsoutherners have the votes and can work their will with whatever we four might wish to say.

I did not understand then, Mr. President, and I still fail to understand today, how a restriction on discussion can possibly guarantee full discussion. It is clear as the noonday sun in a cloudless sky that when the committee meets with a gun at its head, there cannot possibly be any meaningful debate and compromise. The time limit works in favor of those who set it—obviously; otherwise, why would they have set it in the first place. All they have to do is sit and listen patiently with folded hands until March 1 rolls arounds. There is no pressure on them to come to grips with the objections and the amendments of those, such as I, who are on the other side.

Certainly, there is nothing in the record which could possibly justify the suggestion that I have obstructed the consideration of these bills. As chairman of the Constitutional Rights Subcommittee, to which the proposed legislation has been referred, I have always endeavored to see that every Senator gets every right he is entitled to, and every possible dispensation he might desire, in addition. I guarantee every opportunity for a hearing, and every opportunity to vote, so far as it is in my power as chairman. I guarantee due process and equal rights for all men, and legislative fairness for all men. I guarantee it even for those who profess to believe in equal rights, but who are reluctant to give equal rights to a small minority on the committee.

There are two major proposals before the Subcommittee on the Voting Rights Act. One is S. 2456, the simple extension proposed by the senior Senator from Michigan (Mr. HART) on behalf of a number of other Senators. That bill was introduced on June 19. It was referred to my subcommittee on June 24.

Six days later, on June 30, the administration's bill, S. 2507, was introduced by Senator Dirksen. The very next day I announced hearings on these bills. The hearings were scheduled for July 9, a short week away, and only 1 day after the bill was actually referred to the subcommittee. The hearings were held promptly as scheduled, and every Senator, organization, and citizen who asked to testify was given an opportunity to do so.

There is nothing in this record which shows obstructionism, delay, or lack of legislative fairness. In fact, if any charge can be made to this record, it is that of undue haste.

After the close of testimony, hearings were recessed to await action by the House. This is the accepted practice with respect to bills commonly called civil rights bills. In the following period, I received not one communication, formal or informal, written or oral, even suggesting that the subcommittee begin to mark up the bills. Indeed, in that period there were no more than a half dozen letters sent to me from citizens urging action on the bills. And no representative of that highly astute legislative team of civil rights lobbyists so much as suggested that the subcommittee take up the bill before the House completed action.

That is the record of the subcommittee on this bill between June 19, when the extension bill was introduced, and December 16 when the House bill was referred to committee with a time limit of March 1.

The record between December 16 and today, on the other hand, is more instructive on the issue of time limits and legislative fairness.

I announced on December 19 that hearings would resume as soon as possible after the Senate returned. Hearings were thereupon scheduled for January 27. They had to be canceled because of hearings by the full committee on the nomination of Judge Carswell.

Hearings were scheduled for January 28. They were canceled because of hearings by the full committee on the nomination of Judge Carswell.

Hearings were scheduled for January 29. They were canceled because of hearings by the full commmitte on the nomination of Judge Carswell.

Hearings were scheduled for February 3. They were canceled because of hearings by the full committee on the nomination of Judge Carswell.

Hearings were scheduled for February 4. They were canceled because of an executive meeting of the committee on the nomination of Judge Carswell.

Hearings were scheduled for February 5. They were canceled because of an executive meeting of the committee on the nomination of Judge Carswell.

Hearings are now tentatively—and I underline that word in red—tentatively set for February 17. I have little expectation that we can begin hearings on the 17th because I understand there will be yet another executive meeting on the nomination on that date.

The nomination was sent to the Senate on January 19, and it will obviously occupy us for over a month. The whole period given to the Committee for the Voting Rights Act will be taken up with this nomination. I would not want those who wish more time to discuss Judge Carswell's nomination to feel constrained because of the upcoming deadline on voting rights.

As of today, February 6, only 11 legislative days are left for the subcommittee to hold its hearings, mark up the bill, and report it to the full committee for its work. I dare say that when we finally are permitted to hold these hearings, March 1 may well have come and gone.

Over a dozen witnesses have asked to be heard on this bill, not counting a number of Senators. I would not like to think that this March 1 rule which was supposed to guarantee full discussion will result in failure to hear these witnesses and Senators.

Mr. President, it is no secret that some committee members are reluctant to permit a vote on the nomination to take place until a date is set for a vote on electoral reform. For some reason, there seems to be a great desire these days to set time limits on very serious, very complex, and very controversial matters coming before this committee. I expect one could argue that the time limit sought to be placed on electoral reform is also a device to insure full discussion.

Since the electoral reform matter is far and away the most important matter to come before the committee in many years, I do not think that any of the short time we will have on this question should be used up on other matters. Therefore, in keeping with the emerging tradition of setting time limits in the interests of legislative fairness, I wish to propose a deadline of my own. I propose that the Judiciary Committee be instructed to report on H.R. 4249, 30 days after an electoral reform measure is reported, and that it be made the pending business of the Senate immediately after the Senate has completed action on electoral reform. In this way, the Senate can be assured that the current notions of "due process" and legislative fairness will apply equally to all these controversial matters in the committee.

LEGISLATION AFFECTING THE SANTA BARBARA CHANNEL

Mr. CRANSTON. Mr. President, last week on the first anniversary of the January 28, 1969, oil blowout in the Santa Barbara Channel, I stood with the citizens of Santa Barbara and surveyed their beaches. The oil was still leaking from beneath platform A. The white sands of the shoreline had recently been submerged in yet another oil slick which had surged up from the ruptured ocean floor because of yet another human error. It was a sad and solemn day for all of us gathered in Santa Barbara—a dark memorial to the clumsy ineptitude of our dealings with nature.

On the same day, my distinguished colleague from California (Mr. MURPHY) introduced a bill, S. 3351, which would terminate some 19 of the 71 Federal leases in the Santa Barbara Channel.

The idea behind this bill had been proposed by Secretary of the Interior Walter J. Hickel at a meeting with officers of GOO—Get Oil Out—and of the Sierra Club. Senator Murphy and I both had staff members at the meeting. Secretary Hickel, addressing our aides specifically, suggested that a feasible legislative proposal would be to extend the ban on oil drilling and production from the 16-mile State sanctuary straight across the Santa Barbara Channel to Santa Cruz Island. The only lease in that area with producing wells would be Union's 0241 of the infamous platform A. This lease would be excluded from the ban because of the current theory held by some that pumping the Dos Cuadras oil field will alleviate the oil seepage beneath platform A. Furthermore, I understand that no oil has been discovered as yet on any lease covered by the bill with the exception of the Union lease.

In discussing S. 3351, which I cosponsored, with the people of Santa Barbara, I said that the proposal was "half-a-loaf," but that it would have the virtue of protecting some of the channel from further exploitation.

Clearly, the very least that is called for in the Santa Barbara Channel is a ban on all new drilling and a termination of all leases except those two of the 71 on which there are at present producible wells.

This is what my bill, S. 1219, called for.

This is what I have worked for since the blowout occurred and what I continue to work for.

In previous testimony, the Interior Department has opposed S. 1219, to terminate 69 of the leases, and has said that it was unnecessary to terminate any of the Federal leases in the channel. Thus I look to S. 3351 with renewed hope, since it suggests that Secretary Hickel has now accepted the concept that at least some Federal oil leases should be terminated.

Because I want to encourage and nurture this new approach by Secretary Hickel, I have indicated my support for S. 3351. However, this 19-lease termination proposal falls far short of the 69 terminations I believe are absolutely necessary if we are to end the continuing threat of oil pollution to this beautiful national resource.

OMISSION OF VIETNAM WAR COSTS FROM PRESIDENT NIXON'S BUDGET

Mr. MOSS. Last night I read an editorial in the Evening Star which commented on the omission of the Vietnam war costs from President Nixon's budget. I ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

DISAPPEARING WAR COST

The new federal budget, which includes such items as $11,000 for the cost of operating the Chief Justice's chauffeured car, omits a figure for the cost of waging war in Vietnam during the 1971 fiscal year.

This was no oversight, as was clear from the way Budget Director Robert Mayo repeatedly turned aside the question during a weekend briefing. Mr. Mayo cited security considerations, desire to keep open the President's "options" and the difficulty of coming up with a figure that would represent sound accounting. So there is no new war-cost figure to compare with the $28.8 billion for fiscal 1969 and the $23.3 billion for the current fiscal year, unless it is a recent estimate by Defense Secretary Laird that by the middle of this year spending on the war will be down to an annual rate of $17 to $18 billion.

The security argument for the secrecy is hard to accept, in the light of the regular announcements of the exact numbers of U.S. troop withdrawals from Vietnam. And the accounting problem would not seem to be insuperable, with reasonable students of the budget process willing to make allowances for unforeseen situations and changes in policy.

It will be hard for the Congress and the public to participate with the President in the "reordering of national priorities" if they are kept in the dark about the size of one of the biggest current priorities.

Mr. MOSS. Mr. President, as the editorial points out, "security considerations" cannot be a very convincing reason for this failure to specify the cost of Vietnam war since the exact numbers of troops to be withdrawn are regularly announced.

The Senate devoted a sizable portion of its time and energies last session attempting to regain control of military spending. By hiding the cost of a $17 to $23 billion war, the President, intentionally or not, has made this task even more difficult.

THE ECOLOGICAL CRISIS—MAN'S ULTIMATE CHALLENGE

Mr. NELSON. Mr. President, the environmental crisis has reached such serious proportions that it has become the most important issue that we must face in the years ahead. America the affluent is rapidly on the way to destroying America the beautiful.

The trend can be reversed, but not without significant modifications in our way of life. We are reaching a time where all of our institutions—social, political, and economic—must readjust their philosophical attitudes toward man's relationship to his environment and all living creatures.

One of those who keenly realize that we must radically alter our whole mode of thinking about our environment is the distinguished Senator from New Mexico (Mr. MONTOYA).

JOE MONTOYA has served on the Subcommittee on Air and Water Pollution for the past 5 years. His opposition to a proposed mill which would have defiled the precious waters in his home State of New Mexico was of great importance in the ultimate rejection of this potential pollution hazard. Not one to ignore his own backyard, he has called for the strengthening of his State's air and water pollution control standards.

On January 17, Senator MONTOYA addressed the Los Alamos chapter of the Izaak Walton League. This tough-minded group of practicing conservationist-sportsmen responded to his message with intense concern. Such gatherings are essential. We must bring forceful advocates of ecological preservation and restoration together with America's dedicated organizations in order to hold firm to the heritage of wildness in our land.

Mr. President, I ask unanimous consent that Senator MONTOYA's remarks on that occasion be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

THE ECOLOGICAL CRISIS: MAN'S ULTIMATE CHALLENGE

I speak to you today impelled by a sense of urgency that I know you all share. Time is running out on man. We are polluting our national environment in a manner that poses a threat to our very existence. The Izaak Walton League has always preached and practiced consideration for our environment. If everyone does not realize the truth of such a message, and implement, our children will be doomed to suffering and death from pollution and ecological imbalance.

Pollution knows no boundaries. We all live downstream from someone. Lake Erie is a vast open-air cesspool where almost nothing can survive except bloodworms which live on excrement. The Cuyahoga River in Cleveland recently was declared a fire hazard, and actually caught fire. Trees in a fifty-mile radius of Los Angeles are dying from smog pollution. Ten thousand people annualy are leaving Los Angeles on doctor's orders because of respiratory ailments. The Everglades are in danger from a planned jet-port. National parks in several States are endangered by mining operations. These same national parks are so crammed full of visitors that the quality of enjoyment in them is appreciably decreasing.

We have barely saved a few redwoods. President Nixon has cut funds for acquisition of new national park and seashore lands by 42 percent. Auto makers have been accused of deliberately suppressing installation of anti-smog pollution devices in new cars. On certain days in Los Angeles, the smog is so heavy that children are kept out of open-air playgrounds. The people of Santa Barbara have learned the hard way what oil pollution of their beaches can mean.

The gashes in the hillsides of Appalachia are mute, horrible testimony to what uncontrolled strip mining can do. Acid drainage from them has poisoned hundreds of streams. Certain species of wildlife are rapidly disappearing because of poor conservation practices, the alligator coming immediately to mind. The entire country is apprehensive over the constantly emerging evidence that hard pesticides may be polluting our entire environment. DDT is emerging as a special villain and even now one jurisdiction after another is outlawing or curbing its use.

Across America, coal-burning power generation plants spew filth into our air. The countryside everywhere is littered with solid waste we are unable to dispose of, ranging from abandoned autos to billions of tin cans. Vast numbers of America's lakes and rivers are foaming with suds from detergents, and sight and smell of dead game fish is a sickening spectacle to all of us. Fish kills are common in our major lakes and rivers. In vast areas of the nation, beaches are unusable because of pollution.

I could list more examples, but this group of citizens knows what we face. The Izaak Walton League has always led the struggle to give back to our land some of what it yields to us. You are not wanton destroyers, but intelligent users of our resources. Groups such as this, therefore, must spearhead the assault upon pollution everywhere. You know we are not immune in New Mexico.

It is time that people got angry over pollution and at polluters. It is time that the Federal Government, with aroused citizen support, set an example and made examples out of polluters. Several months ago, when the Secretary of the Interior held hearings in Cleveland, he asked Republic Steel and other corporations whether they were abiding by new regulations to cease polluting Lake Erie. Republic Steel refused at first to answer. This is unacceptable. I refuse such an insulting reply.

In the Senate, I have tried to lend every support to the battle against environmental destruction. As a member of the Senate Air and Water Pollution Subcommittee for the past five years, I have joined with its chairman, Senator Muskie, in sponsoring meaningful environmental quality bills. Several are now law, but are not being implemented or enforced as they should be. I refer to the Air Quality Act of 1967. The proposed water quality improvement act, just passed unanimously by the Senate. The Solid Waste Disposal Act of 1969, and the Environmental Quality Act of 1969. Yet on the State level, there is an entirely different scale of effort which must be developed. We are one of the last places in the Nation where pollution has not drastically altered the quality of our outdoor environment. But encroachments are being made and must be repelled. I am certain you are aware and concerned over several situations affecting our State. In the Farmington area a power plant is polluting the air of several States. I have expressed my concern several times over this situation, and have demanded investigation of this state of affairs.

There is cause for grave concern over the inadequate water and air pollution laws and standards of our State of New Mexico. They are grossly substandard and urgently require strengthening and updating. Citizens must express concern and demand significant swift action by the State government.

At my request the Senate Subcommittee on Air and Water Pollution investigated the proposed pulp and paper mill in the Albuquerque area. A comprehensive analysis has been prepared and made available to the State. So we are faced with the recurring dilemma. Jobs are essential. But the quality of our environment is not negotiable. It is imperative that I have the concerned assistance of groups such as the Izaak Walton League, if we are to prevent invasion of New Mexico by worse pollution.

We must work together to enhance the environment we already have. There must be action on bills already introduced in Congress. Your support is essential on my measure to develop a migratory wildfowl habitat in the middle Rio Grande Valley. Also on setting aside more land for wilderness. We must repeat the success we have had in the Senate on the bitter lake refuge.

It is imperative that we prevent gun control advocates from depriving responsible sportsmen of their right to hunt. I supported the recent bill, now law, which eliminated record-keeping requirements on ammunition sales for certain sporting weapons.

All these things go together, and we must present a united front. If not, then our irreplaceable heritage will be lost. We must take seriously what Thoreau said:

"In wilderness is the preservation of the world."

America and our neighbors must understand that pollution in one place menaces all of us. Ecosystems are tied together by nature's laws. If we ignore them, then nature will not only deprive us of our enjoyment of the outdoors. She will turn on us violently and destroy us.

The earth is like any living thing. It can sustain only so much harm and pain. Only so much filth and garbage. Only so much slashing and burning. Only so much gouging and smothering. Then it recoils in agony, seeking to preserve itself from further harm.

We are all children of that same earth. It is our friend from which we came and to which we shall return. We cannot merely continue to talk about how good it is and how much we love and appreciate it. Now the time has come to save it from those among us who have no love for it. The time has come for the friends of the earth to show deep-seated anger and indignation, and make their public servants act accordingly.

I want to see polluters penalized and punished. I want to see plants which will not stop polluting closed down or refused operating permits. I want to see real enforcement of federal laws and aroused people demanding action by a state legislature.

The fish and animals cannot speak for themselves. The earth is silent in terms of legislative action. The Izaak Walton League and other such organizations can and must lead. I need your help and welcome it. Join with me to see to it that action is taken, or else America will become a septic tank and we will wink out like the last spark in a garbage dump.

ENVIRONMENTAL QUALITY: CONTROVERSY OVER CALVERT CLIFFS—PART TWO

Mr. TYDINGS. Mr. President, the decision to build a nuclear-power facility at Calvert Cliffs, Md., has generated considerable controversy. As I mentioned in the Chamber some 8 months ago, this proposed atomic powerplant on the Chesapeake Bay has brought forth heated discussion on basic issues like nuclear safety, thermal pollution, State responsibility, AEC sensitivity to the environment, and long-term site planning.

The project has now been approved by the Atomic Energy Commission, a specially created Governor's Task Force, and the Maryland Public Service Commission. The State's Department of Water Resources is likely to issue its approval shortly. It appears the plan will in all probability be built.

I do not question the need for this facility. The power needs of Maryland must be met if the State is to prosper. Nor do I question the intention of the company involved. Baltimore Gas & Electric is aware that utilities have a definite public responsibility.

I do question, however, the procedures adopted in the decisionmaking process involving the Calvert Cliffs plant. Consultations that should have taken place did not. Environmental factors that should have been considered were ignored. I particularly deplore the absence of dialog between the commission and the State, and the failure of the Interior Department to make meaningful recommendations to the Atomic Energy Commission. I am also deeply alarmed by the absence of environmental

concern in the selection of the plant's site and by the failure to draw up an overall plan for new powerplants in the Chesapeake Bay region.

I discussed these points in a recent statement to the Subcommittee on Intergovernmental Relations. The subcommittee met in Annapolis on February 4 and focused on Calvert Cliffs as an example of the breakdown of intergovernmental relations. I ask unanimous consent that my statement to the subcommittee be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR JOSEPH D. TYDINGS BEFORE THE SUBCOMMITTEE ON INTERGOVERNMENTAL RELATIONS ON POWER COORDINATION AND ENVIRONMENTAL PROTECTION LEGISLATION, ANNAPOLIS, MD., FEBRUARY 4, 1970

Mr. Chairman, I appreciate the opportunity to appear before the Subcommittee today and comment briefly upon S. 2752, your bill to provide intergovernmental coordination and environmental protection in the site selection and construction of electric power facilities.

The power requirements of this nation are increasing rapidly. The statistic most widely used is that our total national demand for electricity will double during the next ten years. Blackouts, or failures of bulk power supply facilities, have occurred in the past and will occur in the future unless greater reliability is assured. Today's mammoth power generating facilities can have a detrimental effect on the environment unless sufficient safeguards to protect our resources are taken. These facts suggest that S. 2752 is much needed legislation, and I am pleased to endorse it.

Two fundamental assumptions serve as backdrop to my views on S. 2752. The first is that the enormous power demands of the coming decades must be met. Electric power supports our economic prosperity and contributes significantly to our standard of living. The second assumption is that the abuse of the environment, to which the power industry has contributed its fair share, must be stopped. Our resources have in many instances been pushed to the limit and the pollution we see about us is the inevitable result.

These two basic assumptions are not incompatible. We can have a quality environment and sufficient electric power. It is not a question of having one or the other. We can have both. This will no doubt necessitate better planning, greater sensitivity to the consequences of technology, tougher laws and new attitudes. It will also necessitate higher costs. But given the present damage to our resources, a quality environment can no longer come cheaply.

Mr. Chairman, it is most fitting that the Subcommittee comes to Annapolis this morning to hear testimony on this legislation. For on the Chesapeake Bay more nuclear power plants will be built than on any other similar body of water. At present, fifteen nuclear facilities exist, are being built, or are in the planning stage within the Chesapeake Bay Basin. These will have a substantial impact on the Bay's environment. Their location and operation are thus issues of urgent public concern. Coordination between the governmental bodies involved and a genuine concern for the Bay's well being are absolute necessities.

The events surrounding the decision to construct a nuclear power facility at Calvert Cliffs illustrate the need for legislation insuring intergovernmental consultations and environmental protection. Coordination between levels of government and agencies within governments was clearly insufficient. Decisions were made without proper consultation between official bodies and without adequate consideration of the environmental impact of this nuclear facility.

There were limited, if any, initial consultations between the Atomic Energy Commission and the State of Maryland over the Calvert Cliffs facility. The site was selected by the Company without the State or the Commission's participation. Construction of the facility began before Public Service Commission and Department of Water Resources approval was obtained. Little consideration was given by anyone to the placement of the Calvert Cliffs facility with reference to an overall site selection plan for the future power plants of the Bay area. Finally, the Interior Department comments to the AEC on the Calvert Cliffs plant concluded only that the Department lacked sufficient basic information to comment intelligently on the desirability of the facility.

Throughout the private and public decision-making processes relating to the Calvert Cliffs plant, a lack of coordination, insufficient environmental concern, inadequate research in planning, and a justifiably vague feeling by the public that it was being ignored were all evident. Such a situation should not be permitted to recur.

The legislation the Subcommittee is now considering should prevent repetition of these events. I support the bill and appreciate once again, Mr. Chairman, the opportunity to appear before you.

AIRLINE SERVICE TO SMALL COMMUNITIES

Mr. CANNON. Mr. President, a problem in transportation, rapidly becoming a major one, is service to our smaller communities, many of which have come to depend on air service. The passenger trains have all but gone, and bus service is not doing the job. Now their air transportation is endangered. There are several reasons for this.

Strange as it may seem, modern jet aircraft is a reason. These are larger than the aircraft the feeder lines started with, and they need larger traffic flows and longer flights. Also, some airfields are too small for this equipment.

In the West, many scheduled points have trouble generating five passengers a day. We of the Committee on Commerce plan to look into this whole problem shortly.

Just recently, CAB member Robert T. Murphy, at Phoenix, Ariz., before the Second Aviation Symposium, covered this troublesome subject in an excellent statement.

I ask unanimous consent that his remarks be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS BY THE HONORABLE ROBERT T. MURPHY, MEMBER, CIVIL AERONAUTICS BOARD, BEFORE THE SECOND ANNUAL AVIATION SYMPOSIUM, PHOENIX, ARIZ., DECEMBER 19, 1969

This Second Annual Symposium which is being cosponsored by the Arizona Department of Aeronautics, Luke Air Force Base and Arizona State University marks another milestone in the record of aviation progress in this area. I am honored indeed to have the privilege of playing some small part in it and to participate with such an outstanding group of aviation experts, both from industry and government, in exploring the problems facing air transportation in the Seventies and beyond. I am particularly pleased to be with my good friend, James Vercellino, the competent Director of the Arizona Department of Aeronautics, and many of my other long-time aviation friends who have participated in, or attended, this three-day comprehensive review of problems facing us in the Seventies.

I have been requested to address myself to the subject of "Extending Scheduled Airline Service to the Smaller Communities." No other topic could be more timely. As you may know, a number of prominent Senators from an eight-state area of the West and Midwest as well as more than a dozen Members of the House from various parts of the country have just presented a phase of this precise question to the Civil Aeronautics Board. This was done in the form of a joint letter to the Board asking that local airline service to smaller communities be at least preserved—if not extended—and, specifically, that the policy in regard to subsidy be reviewed in the light of the many small communities threatened by lack of service.

The letter from the concerned Senators put the problem in the following impressive manner:

"The role of the growing and expanding feeder airlines is a matter of immediate importance in light of disappearing and inadequate surface transportation. Congress and the Executive must face up to the problem of what we can do to assure these communities of continued air service.

"As we are moving into the 1970's, faced with the decrease in surface transportation, we will have to address ourselves to the local service of our communities and every method of procuring that service should be explored, including the criteria for subsidizing the local service lines.

"The thought of utilization of intra-state third level carriers and perhaps, in some instances, the use of inter-state third level carriers subsidies may be involved, but we must address ourselves primarily to the question of communities being downgraded and, in many instances, actually deprived of air service."

Before considering what forward progress we can make in this area, let me explore with you where we are at the present in regard to air transportation to smaller communities and how we got there.

As you know, most of the smaller communities in the United States receiving scheduled service from certificated airlines are served by the nine local service carriers. In 1955 there were 15 such operators but as a result of various mergers and acquisitions we enter the 1970's with nine local service carriers. The principal local service carriers in the western states are, of course, Air West, Frontier and Texas International. All of them are receiving direct Federal subsidy. Air West will receive an estimated $8.7 million; Frontier $6.4 million; and Texas International $3.3 million in the current fiscal year. In addition to other points each of them serves a number of truly small communities. Air West, for example, has 22 points which generated less than 15 passengers a day during the last fiscal year. Frontier had 37 such points and each carrier had approximately 10 points which generated less than five passengers daily. There is no precise, acceptable figure on how many passengers are required for a carrier to be able to serve a point profitably but it is unlikely that any of these points could long be served by these carriers without substantial subsidy from the Federal Government.

The local service airlines in general have done an impressive job in recent years in serving all their communities. In particular, they have demonstrated outstanding courage and foresight in acquiring modern,

more efficient aircraft. Despite the great cost, the economics of these new aircraft have enabled the carriers to improve their service, hold fares reasonably in line and at the same time reduce their reliance on subsidy. From a high of $70 million in 1963 the local service carriers as a group have been able to reduce the payments of subsidy of $38.5 million for the year ended September 30, 1969.

Unfortunately, however, these new, modern aircraft are also bigger aircraft than the carriers operated in the past and their economies can best be realized only when traffic flows are larger and the flights are longer. It is difficult, therefore, for the carriers to operate frequent patterns of service with these new aircraft into smaller cities which generate only a few passengers. When the great expense of these craft is spread over only a few passengers, the red ink starts to flow. Frequently, added to the economic problems are technical limitations at the airports of smaller communities which make it difficult or impossible to operate large aircraft.

Many techniques have been tried both by the carriers and the Government to cope with these problems. I cannot say that we have yet been successful in finding satisfactory solutions. I believe it would be fair to say that service by the local service airlines to smaller communities is reaching a crossroad. What alternatives are available to us at this juncture in regard to this type of service? Let us briefly explore the alternatives together.

The first alternative would be to relieve the local service carriers of responsibilities for service to any community that they cannot serve profitably with their new equipment. This alternative is to me a totally unacceptable solution. One must note that the Federal Aviation Act under which the Civil Aeronautics Board operates provides that we shall certificate a carrier for air service when it is required by the public convenience and necessity. So it is not solely the economics for the carriers but also the interest of the public and particularly those residing in the smaller communities which is to be considered in determining whether certificated air service be provided. In addition, we tried a variation of this alternative when we adopted our so-called "Use It or Lose It" policy in the middle 1960's. I cannot say that this policy was a notable success for the carriers and it certainly incurred the resentment of many of the smaller communities. But more than that, under modern government concepts I believe there may be developing a whole new reason for fostering and strengthening air service to smaller communities which did not exist before. I would call it the demographic or ecological factor. I believe, although I cannot document my belief, that by enabling the residents of small communities to enjoy the best of both worlds, that is, the good life of the small town or city as well as the social culture and economic benefits of the large metropolis, we might be able to retard the surging migration to the great cities.

Perhaps regular, efficient air service at reasonable rates between the small town and the great metropolis would even reverse the tendency of our people to huddle in ever-increasing numbers on the fringes of our great cities with the resultant problems of air pollution, water pollution, urban blight and all the rest. I believe we should consider therefore whether an overall view of our national priorities might suggest that the maintenance and expansion of air service to smaller communities is entitled to greater consideration and precedence than it is now receiving.

This points to the second alternative; namely, whether to increase the Federal subsidy paid to the certificated carriers to enable them to continue or expand this service to the smaller communities. As I stated, a number of thoughtful Congressmen and Senators have jointly suggested to the Board an increase in subsidy in the case of one of the major western local service airlines. I deeply sympathize with these eminent men over the air transportation plight of the smaller communities of the West. I have deep sympathy also for the competent managements of the western carriers as they try desperately to maintain adequate service in the face of vast obstacles. After a number of years in which the amount of Federal subsidy paid to the local service carriers has been constantly reduced lower and lower, the Board is now receiving increasingly urgent requests from the local carriers for increased subsidy and from other carriers to be restored to subsidy. There have been various means suggested for increasing subsidy such as liberalization of the so-called class rate formula under which we have determined the amount of subsidy to be paid. The Board is giving the most serious consideration to the carriers' suggestion to abandon the policy of *ad hoc* subsidy reductions whenever a carrier is awarded a new route which looks profitable.

While each of these requests and suggestions must be closely evaluated by the Board in appropriate proceedings you can be certain that when this is done the needs of the western communities will be given the most sympathetic consideration by our Board. As the Federal Aviation Act so eloquently states, these carriers are entitled to such Federal subsidy as they may need "under honest, economical and efficient management, to maintain and continue the development of air transportation to the extent and of the character and quality required for the commerce of the United States, the Postal Service and the national defense." It is important, therefore, that we take another hard look at the question of whether Federal subsidy to the local service carriers in the amount of $30 million or less per year is adequate under these standards.

A third alternative means of extending scheduled carrier service to smaller communities is to so strengthen the route systems of the local service airlines that with the profits from operating their lucrative services they can internally subsidize their operations to smaller communities which are less profitable. We have proceeded along this route-strengthening path vigorously and earnestly during the past few years. Basically, our efforts have been two-fold. First, the grant of new routes to local service carriers within their own areas of operation and in a few instances by extending them beyond their areas to a major traffic hub. It is hoped that with these long, high-traffic, profitable routes, the local carriers can cross-subsidize their less profitable service to smaller communities. The second route-strengthening path which the Board has followed over the past few years involves the so-called Subpart M proceedings. These are proceedings which the Board has initiated for the purpose of removing operating restrictions in the certificates of the local service carriers to enable them to operate their new equipment more profitably and provide better service to their communities. It is to be hoped that the resultant economy of operation will enable these carriers, with the profits earned, to internally subsidize their service to smaller communities. While route strengthening may serve to reduce subsidy, in my opinion, it will never succeed in eliminating subsidy.

This brings us to a fourth alternative which the Board might consider at this juncture and it is simply to rely upon the large class of air taxis or commuter operators to provide the service to the smaller communities under their existing authority.

These operators have long been with us but are now beginning to attract more and more attention as a means of meeting the service needs of the small communities. Let us consider the role which these operators are now filling and how they might fit into the air transportation picture in the future.

As most of you are probably aware, the air taxis are a large, fast growing segment of the airline industry. Although some of them are engaged in intrastate service only, most are in interstate air transportation and therefore come under the jurisdiction of the Civil Aeronautics Board. Our agency has largely stayed its regulatory hand toward these carriers and for practical purposes, the entire economic regulation of this whole industry is contained in only 13 pages designated as Part 298 of the Board's Economic Regulations. I believe this has been wise for a number of reasons. Primarily, it has allowed the industry to grow, take shape and find its own identity rather than conform to some role established by Government fiat. Part 298 confines these carriers generally to the operation of aircraft whose maximum certificated take-off weight does not exceed 12,500 pounds. Within this limitation they are free to operate when and where they choose in scheduled or non-scheduled service. Their fares are unregulated and they are exempt from most other economic provisions of the Federal Aviation Act normally applied to air carriers. The air taxis are, of course, strictly regulated by the Federal Aviation Agency in the terms of the safety of their operations and we have recently imposed a requirement that they register with us and carry liability insurance.

Within the whole broad class of air taxi operators discussed above, we have recently created a new sub-group of operators known as commuter air carriers. These are air taxis who operate more than five round trips a week between two or more points pursuant to a published schedule. We now also require the commuter carriers to report to us on the traffic they carry and the fares they charge. The first filing of this information was received in November of this year and a preliminary analysis showed that for the third quarter of 1969 the 113 commuter carriers so reporting transported a total of over 11,000 passengers per day. When these reports have been further compiled they will provide a wealth of data on the industry not previously available.

In the meantime, however, at my request, our staff recently completed a survey of the scheduled air taxi operators who were in business on May 1, 1969. Some of the highlights of that survey may be of interest here in connection with our consideration of service to smaller communities. It showed that scheduled commuter carriers served 284 points in 46 states, the District of Columbia, Puerto Rico and the Virgin Islands. California leads all the other states with 44 points served. Fourteen states have ten or more points receiving scheduled commuter service and 150 points are served exclusively by commuter carriers. There are seven commuter airlines each of which offers the public over 100,000 seat-miles per day. They include airlines which may be unfamiliar to many of you, such as Aero Commuter in California, Puerto Rico International Airlines, Executive Airlines, which operates in New England and Florida, Wright Air Lines, Air Wisconsin and Shawnee Airlines.

The average scheduled air taxi fare were found by our staff to be about $5.50 plus nine cents per mile (this compares with the current scheduled airline coach fare of $9.00 plus six cents a mile up to 500 miles). The number of aircraft in the air taxi fleet with a capacity between 16 and 19 seats reached a total of 192 in 1968. In 67 markets scheduled air taxis compete directly with certificated carriers.

It can be seen from these figures that the air taxis or commuter carriers are clearly on the move. To that extent, therefore, it ap-

pears that the scheduled air transportation needs of at least some smaller communities if not being met, are at least being partially satisfied. How long and to what extent these needs should continue to be served by an essentially unregulated industry is a matter on which I have no strong views. It will simply have to await further developments. A number of suggestions have been advanced from time to time in this regard. One, of course, is to certificate air taxis as we do the large carriers to provide service to smaller communities. Another is to allow the taxis to operate aircraft which weigh more than 12,500 pounds. These matters raise many questions too complicated to discuss here and which will have to be resolved by the Board in the months and years to come.

The final alternative I would like to consider with you today for providing scheduled service to smaller communities is the device which some of the local service carriers are already using, namely to enter contracts with air taxi operators under which the air taxi provides scheduled air service between points which the certificated air carrier is authorized to serve subject to the certificated carrier's ultimate responsibility. The most extensive use of this device has occurred in the East with Allegheny Airlines leading the way. Other carriers using or proposing to use these replacement services are Northeast, Eastern, American, Frontier and Mohawk. The way it works is this: the local service carrier certificated to serve a small point, enters a long-term contract with one of the larger air taxi operators based in the area to be served. The contract usually provides that the taxi operator will provide a certain number of daily round-trip flights between specified points and prescribes the type of equipment to be used. These agreements are submitted to the Civil Aeronautics Board for approval under the Federal Aviation Act together with a request by the certificated carrier to suspend its own operations in the market. The Board has thus far approved some 20 of these substitutions, subject always to the provision that if the commuter airline fails to maintain the number of round-trip flights specified in the agreement, the local service operator shall itself step back in to see that the service is performed.

In most of the cases where Allegheny Airlines is involved, the service is provided by 15-passenger Beech 99 twin-engine, turboprop aircraft. The air taxi operator is allowed, under the contract, to use Allegheny's symbols and colors on its aircraft which is, of course, a key element in the success of the operation. In Allegheny's case, also, the services of the operator are listed in the Official Airline Guide along with Allegheny's flights, the tickets are sold at Allegheny's ticket offices and reservations are handled by Allegheny. The agreements run for periods of up to 10 years which permits the taxi operator to make firm commitments for the acquisition of equipment. It is somewhat early to draw any definite conclusions regarding the success of these operations or whether they constitute a long-term solution to the problem of service to the smaller communities. We are informed, however, that traffic at three of the points at which Allegheny has installed commuter carriers has more than doubled since these services were introduced.

The important element in these arrangements is whether the commuter carriers can continue to operate economically and secondly, whether the passengers and the communities they serve will continue to find service with small aircraft to be satisfactory. What are the economies of such an operation? Unlike the certificated industry, figures are scarce and financial data are not filed. In a typical agreement between a certificated carrier and a commuter carrier, the certificated carrier undertakes to provide the commuter with a guarantee of no less than a break-even financial result for several years based on an agreed level of principal, interest and insurance and an agreed direct operating cost per flight hour. It is sometime provided that the taxi operator will reimburse the certificated carrier at a rate of $2.00 per passenger for reservations, service and ground handling. While we have no official information on the matter, we are not informed that any certificated carrier has been called upon, as yet, to make payments to the commuter operators under the agreement.

In my view, these substitute arrangements may, in some cases, provide the answers for service to smaller communities. I am certain that many of the certificated carriers are closely watching the existing operators to determine whether they can be used on their own systems. It should be recognized, of course, that not all small communities or low-density routes will lend themselves to this kind of operation. The complete understanding and support of the communities affected are essential to their success. There must be assurances that the substitute service will be performed by a sound, economic, capable substitute carrier operating appropriate modern aircraft in accordance with the highest standards of safety. In addition, the public must have confidence that the scheduled air carrier's record of competence will stand behind any company acting for and on its behalf.

As you probably have gleaned from the foregoing discussion, the prospect of extending certificated air service to smaller communities which are not presently on someone's route map is not too encouraging. Indeed, the question of preserving present certificated scheduled service at a number of smaller communities must first be settled before moving on to the subordinate question of expanding such service to presently non-served communities. The issues constitute a major challenge calling for the best thinking on the part of government and industry, including aircraft designers and manufacturers. What we need is a pooling of collective thoughts and judgments including the views and recommendations of state and local aeronautics authorities. No one man has sufficient wisdom and prudence to give clear answers to such complicated questions involved in the overall subject matter. Evolutionary changes in the technology of VTOL and STOL aircraft may hold out some hope of a dramatic solution. We must be ready to change existing regulatory policies to accommodate advances in technology wherever warranted. As far as the Civil Aeronautics Board is concerned, we are preparing to examine this matter in depth and accord it a priority status for staff study.

I pledge that I will devote special effort to finding ways and means of assuring the continuation and extension of efficient, convenient and safe air transportation service to small communities, not only in this area of the great West, but also throughout our nation. I sincerely appreciate the fact that Mr. Vercellino and his associates have chosen this Symposium as an appropriate place to require a focusing of serious thought on the subject. I would like before too long to see similar public discussion on this topic carried on at the Civil Aeronautics Board where it may be possible to invite outstanding experts including state aviation authorities to give us their judgment and views as to our future regulatory course of action to meet this challenge of the seventies.

NO VALID OBJECTIONS TO NOMINATION OF JUDGE CARSWELL

Mr. GURNEY. Mr. President, a column written by John Crown and published in the Atlanta Journal of January 31, 1970, makes the point that "no valid objections have yet been raised" to the confirmation of the nomination of Judge G. Harrold Carswell to be a member of the Supreme Court of the United States. The article reaches the core of the reason for the opposition against the appointee and points out that there are no valid objections but merely a smokescreen for the real issue, and that is to further embarrass President Nixon.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Atlanta Journal, Jan. 31, 1970]

JUDGE HARROLD CARSWELL: NO VALID OBJECTIONS HAVE YET BEEN RAISED

(By John Crown)

All of the signs and omens and crystal balls seem to point toward a favorable reaction from the U.S. Senate on the confirmation of federal Judge G. Harrold Carswell for the post of justice of the Supreme Court.

But what is tiring, particularly in view of the smear job done on Judge Clement Haynsworth, is to see those who oppose his appointment to the Supreme Court attacking him in the same hysterical manner as was Judge Haynsworth.

This gaggle of critics would make it appear that Judge Haynsworth has merely changed his name and residence and the attack is continuing as before.

To resurrect what Judge Carswell said in 1948 about white supremacy and oppose him for that statement is ridiculous on the face of it. What would really be newsworthy would be to resurrect speeches by any white man seeking office in the deep South in 1948 in which he vilified and condemned white supremacy. Come up with a speech in that vein and you've really caught hold of something.

And while we're on the subject, the researcher who came up with Judge Carswell's 1948 comment should surely, if he tried, come up with something equally embarrassing for just about any member of that most exclusive club, the U.S. Senate.

He is attacked because he has been a member of a Tallahassee golf club which was segregated. Presumably anyone aspiring to high office must not sully himself by being a member of a private club. Or else the private club should be integrated on a ratio basis, providing a percentage membership based on ethnic and religious groups that reside within the club's area of operations.

It might be interesting—unless you're going to have two standards of qualifications—to determine the club status of the 100 members of the U.S. Senate.

Now it is charged that Judge Carswell is "sexually backwards," a provocative term surely conjured up for that presentation, because he is allegedly insensitive to the equal rights of women.

The charges that are being made against the jurist are absurd beyond belief. The critics are grasping at straws. They are trying to churn up some sort of emotional and hysterical smokescreen which would infer that there is much wrong with Judge Carswell, that there are substantial reasons for his not being fit to sit on the Supreme Court.

It is interesting to speculate how much of this opposition to President Nixon's court appointees might have derived from the fact that his is a Republican administration and the Congress has a Democratic majority—and that 1970 is an election year.

It is interesting to speculate how much of this opposition is generated by a desire to embarrass President Nixon and Atty. Gen. John N. Mitchell and not by any concern,

one way or another, with Judge Carswell's record.

If we are to believe those who press their charges against Judge Carswell's nomination, what they seem to really want for a justice of the Supreme Court is a vapid robot who has never had an original thought or demonstrated effort and initiative. On second thought, perhaps it would serve their purposes best if they could get such a creature.

Never before have such picayune objections been raised to a President's selectee for the Supreme Court. Never before have the arguments been so ridiculous.

Judge Carswell has served in the Armed Forces in time of war. He has worked as a newspaper reporter. And while these are certainly no criteria for the high court, they are broadening experiences of immeasurable value to the man himself.

He has served as an able attorney and in 1953 became the nation's youngest U.S. attorney. He has served ably as a judge. This, too, is no criteria for being appointed a justice but it certainly should be.

The only real objection to Judge Carswell's appointment to the Supreme Court is that he is a Nixon appointee and he resides south of the Mason-Dixon line. The charges themselves contain as much substance as the interior of a ping-pong ball.

THE MAJOR AND MR. BERRY

Mr. McGOVERN. Mr. President, in yesterday's CONGRESSIONAL RECORD, Mr. BERRY, the senior Representative from South Dakota, took exception to my defense against certain political attacks by a Pentagon publicist—Maj. James Rowe. The Congressman says that the major has a right to advise the Nation on matters of foreign policy based on the wisdom he gained after falling into the hands of the enemy in Vietnam.

I have no strong objection to the major sounding off on matters of foreign policy. He has attacked, in addition to me, the majority leader of the U.S. Senate, the Senator from Montana (Mr. MANSFIELD) and the chairman of the Foreign Relations Committee (Mr. FULBRIGHT). He has also attacked the reliability of the Associated Press, the United Press, Time magazine, Newsweek, the New York Times, and the Washington Post. Apparently, only the major, the Vice President, and General Thieu really know the facts about Vietnam. General Thieu has resolved this problem by ending all the newspapers in Saigon that disagree with him.

I do not insist that Major Rowe be throttled, but I do object to his slur on my patriotism when he has said publicly that he doubts my loyalty to the flag of the United States. Sitting in an enemy prison camp does not qualify the major as an expert in the foreign policy field and it certainly does not entitle him to slander the loyalty of other Americans who love this country as much as or more than he does. Everything I have ever said about our Vietnam policy was based on my loyalty to America's best interests as I honestly see them. I love the American flag enough to want to bring it away from the folly of Vietnam.

I believe that it is unfortunate that Representative BERRY has entirely missed the import of the activities of Major Rowe. There are at least three separate counts on which the major has engaged in improper activity.

First, he has engaged in partisan political activity while being identified as an officer of the American Armed Forces, in direct violation of the Uniform Code of Military Justice and in contradiction to the principles governing governmental employees.

Second, the Defense Department through its official sanction of his activities is actually entering into domestic policies, in violation of the constitutional concept of subordinating the military to civilian control.

Third, he has used his position to attack the patriotism and loyalty of several U.S. Senators, including myself. His position does not give him any special right to do this. Even Representative BERRY has said that my position does not represent disloyalty and it seems to me most unfortunate that he has rushed to the defense of a man who has so clearly violated the canons of conduct for an officer in a democracy, a man who does not even seem to subscribe to the basic tenet of open debate on all subjects.

As for Mr. BERRY, I have noticed for some years that he draws a special pleasure from any criticism of me no matter how unfair that criticism may be. But Mr. BERRY's judgment should be weighed against certain facts including the following:

First. Representative BERRY placed the editor of the weekly newspaper he owns in South Dakota on the congressional payroll so that the taxpayers would finance the salary of the man running his business.

Second. Representative BERRY put a campaign publishing outfit on his congressional payroll so that the taxpayers would finance the cost of printing his campaign materials.

I think no comment on such activities is necessary.

LEGISLATION IN THE CONSUMER FIELD

Mr. MOSS. Mr. President, there is no longer any doubt that the American consumer has found a new voice and is making his wants and frustrations known.

The question is: Is anyone listening?

Certainly Congress is listening. We are extremely active holding hearings and considering legislation in the consumer field.

But the American businessman should also be listening. The consumer movement is not antibusiness. Actually, the consumer movement provides the American free enterprise system a great opportunity to provide its worth. It provides the marketing advantage to the producer of the best product, not to the creator of the best sales gimmick.

I was extremely pleased to see this thought expressed in the February issue of Nation's Business, the magazine published by the U.S. Chamber of Commerce. "Take in a New Partner—The Consumer," is the title of an article written by William G. Kaye. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows.

TAKE IN A NEW PARTNER—THE CONSUMER

(By William G. Kaye)

If you are in the fortunate position of being the sole possible producer of a product with an assured market, you need read no further. Your business probably could benefit from an enlightened consumer affairs program so long as your product is reasonably fit for its intended use and the price is fair enough to discourage a search for an acceptable substitute.

But few are in this position. Most businesses face competition, some of it brutal, and are always looking for means to improve their profits.

This is the very essence of our free enterprise economy and has led to newer, more versatile products, lower prices and the breathtaking technological advances of recent years.

Those advances have changed the entire complexion of the marketplace. It has become increasingly impersonal, complex and confusing and frustrating to consumers. Consumer irritation has led to action—action that can cost a business sales in the short run and profits in the long run if it ignores consumer affairs. Caveat emptor, the entrepreneurial byword of a simpler past, is no longer relevant.

For a businessman, rising to the challenge of awakening consumer interest makes good sense. The results are not measured solely in terms of an amorphous and intangible "feeling of goodwill." They are readily translated into immediate rewards—more sales and larger profits.

Repeat sales and brand loyalty are the hallmark of a satisfied consumer. He becomes an unpaid salesman, seeking to convince his friends and associates of the excellence of his choice.

Conversely, a dissatisfied consumer undergoes a striking transformation. He becomes an anti-customer. He is not satisfied with merely boycotting your product but will, in every way possible, try to influence potential customers against it. He is an active force seeking to reduce your sales and profits.

The more vocal and imaginative anti-customers can destroy much goodwill and consumer acceptance that has been cultivated by costly advertising and public relations campaigns. (Consider the customer who paints, or would like to paint, lemons all over your product and make sure they are visible to all!)

LIP SERVICE

Most businesses have some staff official who is assigned to handle consumer matters. Too often, however, he has no real authority and no input into the business's operations. He will be introduced at public relations and advertising functions and tucked away in a forgotten corner of the home office when substantive product design, engineering and policy decisions are made.

An enlightened consumer affairs program consists of more than preparing polite form letters to answer all written complaints. It means anticipating consumer complaints, taking consumer advice, giving the consumer a fair shake; in short accepting the consumer as a knowledgeable partner rather than taking him for granted.

The basic questions to be asked by any businessman are: How important is the consumer to me? And how do I show it?

The answer to the first question is obvious. Without consumers there is no business! They are the one absolutely necessary ingredient to business success.

The answer to the second question seems obvious, too. But is it? Review your business. Is the consumer considered as a customer—a rational human being—or as a cipher whose significance is measured only in terms of end-of-the-month sales figures? Too many businesses will discover, if they objectively review their operations, that consumers are

placated—given just enough consideration so that they will not turn to the competition, but ignored when it comes to the important product, engineering and even safety decisions.

In fact, the consumer is a knowledgeable critic who may know more about many facets of your product than you do. Listening to him, and considering his wishes, makes sense in profit terms.

For purposes of simplicity, let us consider two broad facets of the consumer spectrum, namely, the consumer as a customer and the consumer as a partner.

LONG LIVE THE CUSTOMER

As a customer, the consumer should be king—but what shabby treatment we give our monarchs when it comes to handling their complaints! It is an elemental tenet of psychology that many people have to be upset before even one will complain. Realize, therefore, that for every complaint you receive, there are hundreds, perhaps thousands of anti-customers who will exercise their dissatisfaction by buying your rivals' products next time or ridiculing yours at every chance.

What is your mechanism for handling complaints?

How much does it cost? Is it effective? Responsive? Timely? How do you know? What is your follow-up system?

Have you considered alternative methods? Is top management aware of the type of complaints received? Have you personally read any complaint letter recently?

Complaints can cover the full range of your business's operation from your business name to the courtesy of your truck drivers to the price of your product. It would take many pages to consider all possible areas, but let's look at a few.

Your warranties:

Is the extent of coverage and non-coverage clearly stated and immediately understood?

Do the conditions set in the warranty tend to discourage exercising it?

Do your arrangements with dealers or repairmen tend to discourage them from properly honoring the warranty?

Do your warranties support your advertising?

After the advertising and the tinsel have been forgotten, after the purchase has been taken home, put to use and gone Pfff, the customer remembers only your warranty. He is already a potential anti-customer; and now if he can't get proper service without undue effort, if he gets a run-around from the retailer (who is in turn discouraged by the manufacturer's attitude), or if he has to argue the meaning of the warranty's language to get service, you will have created a full-blown anti-customer.

But is it necessary? Can your warranties and warranty service be improved? How much would it actually cost and what would the benefits be? What would an immediate replacement program cost? What would the benefits be?

Your repair and service network:

Are repair facilities conveniently located?

Are they adequate?

Do you have frequent style changes? Are they necessary? Are they explained to repairmen in advance?

Are spare parts and manuals available when new models are introduced?

Do you tell customers of areas of potential breakdowns and how to spot them?

Anti-customers thrive on poor, inconvenient or nonexistent service facilities. They are nourished by a management feeling that service is a necessary evil to be dealt with only when "important" matters have been taken care of. Their legions are filled with those who have to return a product to the factory for service, take a product used in the suburbs to a central city repair location, try to get to a service center with inconvenient midweek business hours, lose the use of the product because spare parts are unavailable, etc. Between purchases, the repair service is the only contact that the customer has with the manufacturer.

It should be used to bolster his faith in the company, not turn him into an anti-customer.

For that matter, consider also your model changes. Are they necessary or have they merely become part of the mystique of the industry? Model changes cause proliferation of parts for repairs and service, and confusion among customers, not to mention among repairmen. They should be made only when there is good reason for them.

Your packaging:

Does the product do justice to the picture on the package?

Does the size of the package promise more than the amount of the product included?

Does your product come in too many or too few sizes? Are they standardized?

Does your package permit easy price-quantity comparisons?

Is all useful material printed on the package and is all the material printed on the package useful?

Does your label include items of current or particular interest, such as calorie count per ounce or relative nutritive value?

Your package represents your business. Of course it should be attractive, but it also should be informative and representative. Customers want information at their fingertips, and it makes good business sense to give it to them.

Safety factors of your product:

What are its inherent safety hazards?

Has it been both laboratory-and-use-tested? Over a long enough period?

Does it meet the industry's standards?

Is the industry's standard-setting mechanism adequate?

Have standards been updated to reflect current technological changes?

Examples of safety failures fill the newspapers (and the *Congressional Record*) every day. Of course, there are standards in almost every industry, but if they were all they should be, there would be no need for a National Commission on Product Safety, for Congressional hearings, for Ralph Nader, etc. Nothing can kill sales quicker than safety failures. Nothing leads to greater losses and legal damages. Nothing causes more heartbreaks. Then why do we pay such little attention to safety factors? Why do we continue making products that prove to be unsafe under foreseeable uses? Why do we continue to talk safety but refuse to encourage adequate, voluntary standards and enforcement?

The measure of business failure in this area can be seen by reviewing the recent history of government regulation and the many current campaigns for regulation in hitherto untouched areas. Safety failures are bad business and should not be permitted by the businessman.

Safety is not limited to shock hazards, sharp edges and brittle parts. In many areas, particularly in the food industry, questions of wholesomeness and sanitation are equally important. Consumers have no choice but to rely on businesses in these matters. Is their reliance well-placed?

Are your food standards adequate in light of today's scientific and technological advances?

Has your production methodology kept pace?

Are your additives necessary? Are you aware of all their effects? Has your product lost its identity under a deluge of additives and preservatives?

Do you make clear to all handlers (and the ultimate consumer) what special care requirements are necessary to prevent adulteration?

Everyone might agree that the horrors catalogued in Upton Sinclair's "The Jungle" were part of an earlier age and have no place in today's economy. But the Congressional hearings that resulted in the recent Wholesome Meat and Wholesome Poultry Products Acts presented some evidence to the contrary. How about your business? Remember, while the permissible margin for error may vary from industry to industry, it is almost nonexistent in the food and drug industries. A low percentage of production error may be acceptable in appliances but could be fatal in foods and drugs.

UNPAID PARTNER CAN PAY OFF

We've considered the consumer as a customer; now let's think of him as a partner—an unpaid partner who may know more about the practical aspects of your product than you do and who will be pleased to have you adopt some of his ideas, anonymously.

Those businesses that have taken the time and spent the effort systematically to review consumer mail have discovered that many consumers are knowledgeable and make positive suggestions. Although consumers may not be graduate engineers, they can be quite creative and imaginative.

Remember, the consumer uses the product. He knows its strong and weak points. But what input does he have in your scheme of product engineering? It may not be too troublesome to devise a method for providing this input. The benefits that could flow from such a system are not limited to lower costs and higher sales.

Either as customer or partner, the consumer should not be kept in the dark. Consumer information and education are integral parts of a comprehensive consumer affairs program and deserve more attention from business than they now receive.

A consumer who believes information is being withheld, or who has no knowledge of the workings of the marketplace, cannot exercise intelligent choices in the market. The resulting frustration breeds suspicion and anger. The suspicion and anger add to the ranks of anti-customers who could have been satisfied customers.

Consumer information and education programs are complements to advertising and marketing programs aimed at creating a positive image for a business.

With proper information, a consumer will know what your product can and cannot do.

Consumer education has a broader function. It is aimed at providing an understanding of the workings of the marketplace and the consumer's position in it. Does your business have either program, and does it accomplish its objectives?

Are your information and education materials prepared with a particular group in mind (the young, the single, the poor, etc.)? Do they reach these groups?

Are your information and education materials consistent with your advertising and marketing materials?

Are your instructions use-tested? Are they concise and understandable?

Is your educational material overly partisan? Have you been objective?

Many more questions could be asked, tailored to your specific business and product or service line. There is no general panacea or ready-made program. Much depends on the individual business, its products, its problems, its consumers, its competition and other relevant matters.

But if your business currently overlooks the consumer, or simply pays lip service to his cause, you may be missing a vast market potential. Chances are that your market will not be greatly affected by continuing your current inactivity—provided your competitors do the same. Consider, though, the increased business you will reap by giving the consumer his due. Unless your competitor does it first.

FUNDS FOR MASS TRANSIT IN THE CITIES

Mr. CRANSTON. Mr. President, several days ago, the Senate passed the Mass Transportation Assistance Act of 1969, S. 3154. That act authorizes the Secretary of Transportation to obligate $3.1 billion in Federal funds for the Nation's public transportation needs.

However, actual expenditures under that act are limited to $1.86 billion over the next 5 years.

It has been clearly demonstrated that in order to begin to solve our public transportation problems, $10 billion in Federal funds would be needed in the next decade.

Unfortunately, my amendment to S. 3154 which would have committed that $10 billion, was defeated by the Senate.

Two of the country's leading newspapers have expressed doubt that sufficient funds will be available to meet the Nation's public transportation needs.

The first comment is contained in an article by the excellent columnist of the Los Angeles Times, D. J. R. Bruckner, entitled "Will the Cities Be Forgotten?" and the second comment is an editorial in today's New York Times entitled "But a Letdown in the Senate."

Mr. President, I ask unanimous consent that both comments be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Los Angeles Times, Feb. 2, 1970]

WILL THE CITIES BE FORGOTTEN?

(By D. J. R. Bruckner)

In Chicago over the weekend the city's transit authority opened a new rail line in the median strip of an expressway, connected with the subway and elevated system—the second such line to be opened in the past two years.

In Washington, drilling for tunnels for a new subway has begun. In New York and Chicago plans have been approved for new networks of downtown subways. In the San Francisco Bay Area a vast transit system is taking shape.

But, in Washington, where basic transit fare is 32 cents, the transit system is guaranteed a profit and there is little chance that the fare will not rise. In New York the fare went up to 30 cents last month and will inevitably go up again shortly. In Chicago, while some transit officials were riding the train down the new line Friday, others were going through the regular frantic ritual of shifting money from one pocket to another just to meet current salary demands; the fare is 40 cents and cannot stay that low very long.

In every city when the fare goes up the riders decrease and the streets are more filled with cars emptying their pollutants into the air. It is significant that Los Angeles, which often indicates the future trends of cities, rejected a proposed transit system largely because it would not take enough people where they wanted to go, and that it was in Los Angeles that the federal government dropped its pollution suit against the big automakers.

The transit problem exemplifies so many of the other problems of the cities and displays the common elements of all of them. The largest element, of course, is money; and it is worry over money which makes groups like the executive committee of the U.S. Conference of Mayors express public fears that the Nixon Administration is about to turn its back on cities.

Given the President's determination to hold down the federal budget and fight inflation, there is little reason to believe that the cities will get much government help this year or next for their urgent needs.

Even if money were available, the Administration seems to have no urban policy whatever, no list of priorities or preferences. There is good evidence that many urban programs started in the past decade are being unwound slowly.

It is true that many urban programs do not have a very good history; and if the purpose of the Administration is to really reevaluate them and create new priorities, the present pullback might be a blessing. What so many mayors fear, however, is that the conclusion being reached in Washington is that nothing will work or that possible solutions are not worth the cost or the effort.

Transit is not a bad indicator: For instance, it is obvious that a public transit system, if it is to achieve its aims, cannot pay for itself; it need a large commitment of public funds. If it is to be worthwhile, it has to be involved with overall planning; it has to go somewhere. This must mean, pretty obviously, some rather tight government controls over the locations of industry, housing, recreation facilities, shopping areas. It probably also means some deliberate prohibitions against the use of private cars. Thus, a meaningful outline for public transit would involve also the basic decisions on urban renewal, school building programs, industrial expansion plans and zoning, and pollution control systems.

At bottom, the problems of the cities all come down to this kind of choosing of priorities. They have to be real, and, in some cases, they probably have to be exclusive; they must involve a very real reordering of life. Somehow they have to be made, too; the accidental, uncontrolled growth of the cities is no longer tolerable in terms of economics, politics or social order.

The President is supposed to go to Indianapolis this week to meet with a few big city mayors on the problems of the cities. Later, it is said, he may even attend a Midwest Regional Conference on Pollution in the cities. This is good politics. What else it is, is hard to say. Many mayors of the bigger cities seem to doubt now that it indicates any real commitment to deal with the cities' problems.

[From the New York Times, Feb. 6. 1970]

BUT A LETDOWN IN THE SENATE

Riders of the subway, city buses and commuter rail lines should find a little excessive the enthusiasm members of the United States Senate expressed in passing the mass transit bill.

It is comforting to have the Federal Government committed to a policy which, in the words of Secretary of Transportation John A. Volpe, "strikes at the roots of the transportation crisis in America's cities." But hopes that appreciable relief will come from the bill, praised by Senators so diverse as John Tower of Texas, Harrison Williams of New Jersey and John J. Williams of Delaware, are distinctly premature.

Ten billion dollars has been generally agreed upon as the sum required to get the mass transit systems of the nation's cities into something resembling a fit state. Theoretically, that is still the amount to which the Government is committed. But, where the most ardent Congressional champions of mass transit thought originally to spend this amount in four years and to make certain of it by setting up a trust fund, the Senate bill calls for only $3.1-billion in five years—and even that would be in contractual commitments rather than hard cash. Not more than $1.86-billion, in fact, would actually be spent until after the 1975 fiscal year.

In the first year of operations the President's budget message calls for only $280-million to be spent by the Federal Government on mass transit throughout the country. This figure, not so incidentally, is $10 million less than the proposed outlay for just two prototypes of a supersonic transport plane, which will create vast problems for the environment while solving none for transportation.

To refurbish their transit systems and keep pace with demands, New York and Chicago alone need in the next five years twice the total amount to be disbursed under this bill. More funds, it is true, are to be doled out after 1975, but by then the systems will have deteriorated that much further and require that much more money to be rescued. The Senate, for all its self-congratulation, has let down the communities and the cities.

STATEMENT BY SENATOR HARTKE CALLING FOR CEASE-FIRE IN VIETNAM

Mr. HARTKE. Mr. President, on Wednesday of this week I had the honor of appearing before the Committee on Foreign Relations to present my views on the situation we confront in Vietnam.

In my statement I laid stress on the need for an immediate cease-fire, during which both sides could negotiate the kind of settlement that both could live with. It seems to me that we have permitted ourselves for far too long to remain ensnared in a net of political considerations, every one of which pales beside the hard fact of the continuing slaughter in that savagely tormented land.

I ask unanimous consent that the text of my remarks be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR VANCE HARTKE TO THE U.S. SENATE COMMITTEE ON FOREIGN RELATIONS, FEBRUARY 4, 1970

On February 6, another TET holiday will usher in the Year of the Dog. Most of us acknowledge that the TET holiday of two years previous was a psychological turning point in our involvement in Vietnam. For even the most optimistic supporters of the United States Vietnam policy, basic assumptions and beliefs became highly questionable. The growing doubt about Vietnam was felt amidst the snows of New Hampshire and carried from primary to primary, with the avowed opponents of the Vietnam policy gaining the majority of votes.

In the general election, although the issue was not squarely met, it was obvious that neither of the two major Presidential candidates was eager to undertake a vigorous defense of our previous actions and policy in Vietnam. The Democratic candidate, Hubert Humphrey, finally broke from the established policy of his administration; and Richard Nixon, the Republican candidate, talked of a plan to end the war which he could not at that time disclose. In short, it was an election that did not so much illuminate and elaborate the issue as respond to the felt desires of the people.

I will not discuss the many reasons why I have always opposed our Vietnam policy, and why I felt constrained to disagree publicly with the only major national political figure who supported me in 1958 when I was a much younger and more optimistic man. The reasons why I feel our Vietnam war is militarily inept, politically stupid, and

morally wrong have been thoroughly discussed and, I must confess, have failed to persuade many responsible and sane men—and this despite the fact that the policies of support for the Vietnam war have caused not only the death of over 40,000 young men, the crippling and mangling of thousands more but also a discontent that threatens the very fabric of our society. These earlier policies are now mocked by our present policy, which for the most part is generally supported. For those who like World War II analogies, we did not start withdrawing in 1944 because our allies were becoming stronger.

I think one of the reasons why debate on our Vietnam policy has never been adequately joined is because support for Vietnam has always been bi-partisan. The ultimate accountability for any policy lies, of course, with the incumbent administration; but I can remember just a few years ago being chided on the Senate floor by the then distinguished Minority Leader for not supporting *our* President. I felt that this was a rather narrow view of the issue. My concern for Vietnam has always transcended partisan politics Such was my position under a Democratic administration; so it remains today under a Republican administration. Allegations to the contrary demonstrate only an astonishing and appalling moral blindness in the speaker.

Since the beginning of last year there has been some improvement, passions have abated at home and troops have been withdrawn abroad. But with these improvements come chilling reminders of the years of 1965 and 1966. These were years of mounting involvement abroad but general indifference at home. Recently in talking with an Indiana county chairman, I asked him what the general feeling in his county was about Vietnam and he replied that the county had been for the most part spared and therefore there was little concern about Vietnam. I thank the Lord for this county's deliverance, but what about the other 91 counties in Indiana?

I am not a pacifist. I did not oppose this war because it is too costly, deadly, or messy, but because it is a war fought at the wrong time in the wrong place. I remember driving in my automobile in early 1965 to deliver an address against the war and hearing over the car radio about a massacre of American troops. Seven Americans died in that massacre. Today we are told that we should be satisfied because we have reached the miraculously low number of only 70 or 75 Americans killed a week. Has the recent decade of death so blinded us with blood and numbed us by horror that we no longer appreciate that these losses are unforgiveable? Of course the political defusing of Veitnam is quite an achievement. The reduction in American casualties and the reductions and changes in the draft are withdrawing Vietnam from the daily lives of most Americans. But what of those who remain? What of those who are affected? Should I congratulate myself that they are now no longer a majority of the voters? I believe that there are issues so pressing and of such moral import that public silence is a retreat from public duty.

The policy of the present administration has been given the code-name "Vietnamization." What it appears to involve is an attempt to achieve a military victory by a shift in the balance of forces on our side. American combat troops are to be replaced gradually—very gradually—by South Vietnamese troops. And we are to remain unalterably committed to the preservation of the present regime in Saigon.

If this policy is successful, according to administration strategists—and I need not remind anyone here how pathetically improbable it is that the South Vietnamese army can perform the crucial task we are assigning it—if this policy is successful, we can look forward to some two hundred to three hundred thousand American support troops remaining in Vietnam for two or three more years at a cost of perhaps fifteen to seventeen billion dollars annually. And all the while the possibility of re-escalation will remain ominously with us as we hazard our strategic fortunes on the forces of General Thieu.

Let me say flatly that I do not believe that we should ever permit our destiny to rest upon the success of foreign arms. But that is the position which we are in the process of placing ourselves today. And that is the very worst indictment that can be made of this policy which is being offered to us with such honeyed words.

What we so desperately need instead is a policy not of military Vietnamization but of political Vietnamization. For the ultimate resolution of the Vietnam conflict can only be political, not military.

Accordingly, we should proceed at once to negotiate a cease-fire. If the war is worth fighting at all it is worth winning. But President Nixon has said that the war cannot be won—not at the kind of price that rational men would be willing to pay. So let the fighting stop. Let the killing and the maiming stop.

Let a cease-fire come into effect that will give both sides an opportunity to work out a political compromise that both can live with.

President Thieu and Vice President Ky will almost certainly not be elements in the new government that will arise in Saigon. But other patriotic South Vietnamese will be—many of them languishing today in prison for the "crime" of having advocated a negotiated settlement of the war.

Following the establishment of a politically viable government and the bringing home—in peace—of all American forces, we can then turn our great resources to a demonstration of this nation's concern for the destiny of South Vietnam—that is, to lend our assistance to its economic recovery from the devastation of war. We should make a special effort to ease the burdens of Vietnamese refugees. It is this other war in that unhappy country that deserves the attention of the United States.

No one can safely predict what the future will bring to Vietnam after the last contingent of American troops will have left the country. Dr. Howard Zinn addressed himself to the unforeseeable in the conclusion of his book, *Vietnam: The Logic of Withdrawal*. He observed: "We may see a period of turmoil and conflict in Vietnam. But this was true before we arrived. That is the nature of the world. It is hard to imagine, however, any conflict that will be more destructive than what is going on now. Our departure will inevitably diminish the fighting. It may end it."

That statement, written in 1967, is more compelling today than it was then. Now more than ever, it is clear that the price of war becomes harder to bear with each month. While we continue to follow the unwise policy of spending good money to save a bad investment, the true ills of our country go uncared for, the forgotten citizens remain unnoticed, the violence in our streets increases. And in an effort to contradict common sense, we are told that it is more important to save face than save lives.

The American people would be well-advised to ask what perversion of the national purpose allowed the energies of this country to become so committed to the destiny of Vietnam and why the United States finds itself unable to detach itself from the conflict. The answer lies, to a degree, in the psychology created by our form of government. George Kennan wrote in *Russia and the West Under Lenin and Stalin*.

"There is . . . nothing in nature more egocentrical than the embattled democracy. It soon becomes the victim of its own war propaganda. It then tends to attach its own cause an absolute value which distorts its own vision on everything else. Its enemy becomes the embodiment of all evil. Its own side, on the other hand, is the center of all virtue. The contest comes to be viewed as having a final, apocalyptic quality. If we lose, all is lost; life will no longer be worth living; there will be nothing to be salvaged. If we win, then everything will be possible; all problems will become soluble; the once great source of evil—our enemy—will have been crushed; the forces of good will then sweep forward unimpeded; all worthy aspirations will be satisfied."

If there is anything that we can take from the bitter experience of Vietnam, let it be a more sophisticated appreciation of our role in world affairs. The tragedy of the war should finally disenthrall this nation from the tired myths and dogma that have invited our ill-considered reaction to international politics.

We should test the assumptions developed during the hysteria of the fifties against the realities that confront us as we enter the seventies.

Above all, we should take from Vietnam a new awareness of the potential and limitations of American might. We are the most powerful nation in the world, but we are not all-powerful. Misfortune can come from the failure to exercise with caution and restraint the strength that is this nation's inheritance.

SENATOR INOUYE DOES NOT SUPPORT OR SPONSOR PROPOSED LEGISLATION TO COMPENSATE SURVIVORS OF ALLEGED MYLAI MASSACRE

Mr. INOUYE. Mr. President, it has come to my attention that articles have appeared in three newspapers—the Coeur d'Alene Press, of January 14, 1970; the Spokane Spokesman-Review, of Feb ruary 1, 1970; and the Idaho Daily Statesman, of February 2, 1970—which describe the efforts of a Mr. Paul Narkin to win $125 million compensation for Vietnamese survivors of the alleged Mylai massacre. In these articles, Mr. Narkin has indicated that I am involved in "drafting" and "studying" a Senate bill requesting this compensation.

Mr. President, I want to make it clear today that although a person purporting to be Mr. Narkin did telephone to inform me of his efforts, I am not in any way working with him. In our brief telephone conversation, I stated that I would study the bill as I would any other if such a bill were introduced. At the same time, I pointed out that the introduction of such a bill at this time would be testament to presuming the guilt of American soldiers before they had been duly tried before a competent court for their alleged criminal behavior. This would undermine the principle which stands at the heart of our legal system—that one is innocent until proved guilty.

I categorically deny that I have committed myself to support this effort or that I have agreed to sponsor proposed legislation drafted by Mr. Narkin.

THE CONTINUING TRAGEDY OF VIETNAM

Mr. McGOVERN. Mr. President, it was my privilege this week to testify before the Committee on Foreign Relations relative to our continuing military involve-

ments in the affairs of the Vietnamese people.

I ask unanimous consent that my statement before the committee be printed at this point in the RECORD along with, first, a copy of my resolution calling for the removal of American troops from Vietnam; second, an interview I conducted with Mr. Godfrey Sperling appearing in the Christian Science Monitor of January 3, 1970; third, a statement by Senator FULBRIGHT before his committee this week; fourth, the testimony of Senator GOODELL at the Foreign Relations Committee hearings this week; fifth, an editorial from the New York Times of February 5, 1970; sixth, a report by Mr. Edward Snyder in the Friends Committee, Washington newsletter, of October 1969; seventh, an editorial in the February 1970 Progressive magazine entitled "The Democrats: At Peace With the War"; eighth, an article, "Vietnam: "The Other Side Is Responding," by Joseph W. Elder, in the February 1970 Progressive; and ninth, an article by Senator FULBRIGHT, "Vietnam: The Crucial Issue," in the February 1970 Progressive.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

THE DEMOCRATS: AT PEACE WITH THE WAR

The news from the Democratic National Committee is that the Party has declared a separate peace. It will not confront the Nixon Administration on the one most crucial issue of our time—the continuing commitment of the United States to the prosecution of the criminal and catastrophic war in Vietnam.

Under the guidance of its most cautious and conservative elements, the National Committee appears to have bought—lock, stock, and gun barrel—the President's specious assurances that he can somehow end the war by "Vietnamizing" it—that he can establish a *Pax Americana* in Southeast Asia at second hand.

"The President seems, for now at least, to have accurately gauged the sentiments and attitudes of the American people," according to a recent report from the Democrats' political research division. "The national mood on Vietnam is at the same time glum and tired, but unwilling to accept outright defeat." The Democratic Party's national chairman, Senator Fred R. Harris of Oklahoma, declared only last fall that it was "time to take the gloves off" by attacking Nixon polices in Vietnam. Now Harris makes it plain that he would rather not talk about Vietnam. The President, he diffidently suggests when pressed, deserves an "I" for incomplete on his Vietnam report card.

The Loyal Opposition has thus abdicated its responsibility to oppose the party in power on precisely those points on which the Administration can and should be subjected to unremitting pressure: the lack of a specific timetable for its vague and indefinite "withdrawal" plan; the continuing, unquestioning Administration support for the corrupt and dictatorial regime in Saigon; the unwillingness to move toward a peace settlement embracing the participation of all political elements in South Vietnam, specifically including the National Liberation Front and the Provisional Revolutionary Government (described by Joseph Elder on Page 12); the adherence to an imperialist *weltanschauung* that could at any time plunge us into a new Vietnam.

Senator Harris and his Democratic leadership group deserve a couple of "I's" themselves, one for immorality in turning away from the Vietnam peace issue and another for incompetence in missing the significance of two major developments:

Development one is that President Thieu recently knocked a gaping hole in Mr. Nixon's claim that the war will be Vietnamized; the General insisted—without rebuttal from the White House—that U.S. combat troops will be needed in South Vietnam for years to come.

Development two is the Gallup Poll disclosure that, for the first time, "the weight of sentiment among Democrats is for withdrawal (of all troops)—either immediately or by the end of the current year." If Harris and his entourage used their political horse sense, they would be hammering home the meaning of Thieu's statement from Maine to Hawaii, and at least rallying behind, if not leading, the growing Democratic voter support for complete troop withdrawal before 1970 ends.

Senator Harris and his associates apparently feel there is nothing much to say about the domineering and intransigent position taken by President Thieu not only on the subject of withdrawal of American ground forces, but on the possibility of achieving a coalition in South Vietnam that might speed the prospect of peace. On the subject of withdrawal by the end of 1970, Thieu insisted in a January news conference that it was an "impossible and impractical goal" and that, instead, withdrawal "will take many years."

Although Secretary of State William Rogers has insisted that the Nixon Administration does not oppose creation of a coalition government, Thieu, characterized by the President as one of the great statesmen of our time, has rejected the Administration's position. "A coalition government means death," said Thieu. He dismissed the notion of broadening the base of his own government and denounced his non-Communist opponents who advocated a negotiated peace as "pro-Communists, racketeers, and traitors."

Here, clearly, was an area of dispute and debate in which a Loyal Opposition could attack the weakness of the Administration's position and embark on a major crusade to expose the character of the Thieu-Ky dictatorship and its intolerable yet successful resistance to the creation of the kind of coalition that would speed the achievement of peace. But the men who run the Democratic Party have chosen to sweep the Vietnam issue out of sight.

On what issues, then, if not Vietnam, does the Opposition propose to oppose? Senator Harris says bravely that " 'The New Populism' is a term which best characterizes the aims and purposes of the Democratic Party as it looks toward the 1970s—and specifically the elections of 1970 and 1972. With this philosophy, the Democratic Party proposes to make the 1970s the 'Decade of the People.' " But the national chairman's New Year's statement, for all its bold rhetoric about "new populism," was pathetically bereft of program specifics. It congratulated the Congress for reaffirming "the Democratic Party's basic problem-solving, people-oriented nature" and promise decisive action on "the harsh realities of today's changing problems." It talked about crime and inflation and the need to "put first things first," but made no mention of racism or militarism or the accelerating danger of political repression.

Instead, the Democrats have apparently decided to grapple with Mr. Nixon on his own turf. Their first major thrust of 1970 is an appeal to "law and order" sentiment. The Party plans a "Democratic Action Conference on Crime," and Chairman Harris has accused the Administration of "failing to come up with a comprehensive national effort." It is the kind of cheap political shot for which Democrats have long—and rightly—held Mr. Nixon in profound contempt.

The President was well aware when he campaigned in 1968 that despite all his promises, he would be able to do little or nothing about the rising crime rate that stems from poverty, discrimination, and alienation in America. The Democrats are well aware today that they are in no position to do any better without a program that strikes at the very roots of crime. The crime problem will not be solved until all the other pressing problems which are the causes of crime are solved, and neither of the major parties is engaged today in pressing for basic solutions.

What the Democratic National Committee does not yet realize is that their Party is in an advanced state of decay—that it no longer commands the allegiance of some of its traditional constituency, and that it has no appeal to vast segments of the great potential constituency among the nation's young people.

There is no charismatic national leader among the Democrats—particularly since Chappaquiddick—whose personal stature would permit the Party to indulge itself in the luxury of politics-as-usual. There is, in fact, no leader at all who offers, at this point, the prospect of an effective challenge to Mr. Nixon in 1972. Many of the most prominent Democrats are indelibly stamped with the failures of the past—yet it is precisely with these figures the Party seems determined to identify itself. The Democrat fund-raising "gala" scheduled to be held in Miami on February 5 (and to be relayed to a score of regional dinners by closed-circuit television) is to feature Harry S. Truman as guest of honor and Lyndon B. Johnson as honorary chairman. Among the scheduled speakers are Hubert H. Humphrey, House Speaker John W. McCormack, and House Majority Leader Carl W. Albert. Are these the "New Populists" around whom the youth of America—and the millions of their elders opposed to the war—are to rally? Are these the men who will usher in the "Decade of the People"?

Somewhere in America, we are convinced, there exists a constituency for an effective, forward-looking opposition. We don't know how large that constituency is, and we doubt that anyone does, but we suspect it is not small. That constituency rallied in 1968 to the campaigns of Eugene J. McCarthy and Robert F. Kennedy. It rallied by the hundreds of thousands against the Vietnam war last October and November. It is ready today—and will be readier by 1972—to respond to a political movement that offers a genuine commitment to a better America, a decent America.

There is still a chance, perhaps, that the Democrats may seize the opportunity to provide a meaningful political alternative, but there is no reason whatever to take it for granted that they will. Those within the Party who are working for real change—the New Democratic Coalition—which will soon hold its first national conference, and the Referendum '70 group, which also plans to support peace candidates in this Congressional election year—deserve every measure of encouragement. So do those outside the Party who have given up on the Democrats but not on the political process, and who hope to bring a new political alignment into being.

There is a need, as never before, for a vigorus Opposition in America. If the Democratic Party's machinery cannot provide it, a new mechanism will have to be created. This is no time for a separate peace at home.

VIETNAM: THE OTHER SIDE IS RESPONDING

(By Joseph W. Elder)

(NOTE.—Joseph W. Elder, professor of sociology and Indian Studies at the University of Wisconsin, is a member of the board of directors of the American Friends Service

Committee. He represented the AFSC on trips to Vietnam in June and October, 1969. The State Department validated his passport for both trips, and the U.S. Treasury granted AFSC a permit to purchase open-heart surgical equipment for North Vietnamese civilians.)

During the past year the Vietnamese we are fighting offered President Nixon a handle which, if grasped, might provide the means to end the war. But so far he has apparently rejected—and possibly not even seriously explored—this opportunity for peace.

Meanwhile, thousands of Americans and Vietnamese have died, while U.S. spokesmen contend that the war goes on because the other side will not respond to any of our peace proposals and will make none of its own.

But the other side *has* responded, as I had a chance to observe first hand on two visits to Hanoi. However, this response, which I helped convey to the President's foreign policy advisers twice, has been ignore by the Administration.

I first visited Hanoi for one week last June on behalf of the American Friends Service Committee (AFSC) to discuss Quaker assistance to civilians in North Vietnam. (AFSC was already assisting civilians in both Saigon-controlled and NLF-controlled portions of South Vietnam.) While in Hanoi, I conferred with North Vietnam's foreign minister, Nguyen Duy Trinh. During our conversation, I mentioned that I was part of an AFSC committee scheduled to meet with President Nixon's foreign policy advisers in July. "Are there particular points," I asked, "you would like me to stress on your behalf during the meeting?"

The foreign minister paused a moment. Then he said, "Tell President Nixon's advisers that if the United States is seriously interested in holding elections in South Vietnam, it should recognize the importance of the Provisional Revolutionary Government in South Vietnam."

I had first heard of the Provisional Revolutionary Government (PRG) when its formation was proclaimed only five days earlier at a Hanoi press conference. Facing a bank of lights and movie cameras, Nguyen Van Tien, the National Liberation Front (NLF) Party's representative to Hanoi, had announced that eighty-eight delegates and seventy-two guests, representing a range of anti-Thieu-Ky viewpoints, had met in a conference June 6–8 "somewhere in South Vietnam." The conference had been convened jointly by the NLF and the VNANDPF (the Vietnam Alliance of National, Democratic, and Peace Forces, and urban-based anti-Thieu-Ky party formed during the 1968 Tet offensive). From the June 6–8 conference emerged what was proclaimed to be a new government in South Vietnam—the Provisional Revolutionary Government of the Republic of South Vietnam, headed by the prime minister of an eleven-member cabinet.

The newly formed Provisional Revolutionary Government was a coalition of the NLF Party, the VNANDPF Party, the Vietnam People's Revolutionary Party (Communist), the Democratic Party (a nationalist party dating back to the 1930s), and representatives from trade unions and youth, professional, national minorities, armed forces, religious, women's and other groups.

One of the Provisional Revolutionary Government's acts had been to endorse the NLF's ten-point proposal of May, 1969, for restoring peace in Vietnam. The PRG had also retained the NLF's foreign policy (and flag) and elevated the NLF's chief negotiator in Paris, Madame Nguyen Thi Binh, to the post of foreign minister.

In the domestic arena, the PRG announced it was "prepared to enter into consultations with political forces representing various social sections and political tendencies in South Vietnam that stand for peace, independence, and neutrality . . . with a view to setting up a provisional coalition government. . . . The provisional coalition government will organize general elections in order to elect a Constituent Assembly, work out a democratic constitution . . . and form a coalition government symbolizing national concord and the broad unity of all social segments."

The Vietnamese at the Hanoi press conference I attended had been visibly excited, as were representatives of much of the non-Western world who were present. Within the next week, more than twenty nations had officially recognized the Provisional Revolutionary Government—including several non-Communist-bloc countries.

Foreign Minister Nguyen Duy Trinh of North Vietnam expanded his initial comment for my benefit. The month before, in May, 1969, both the NLF's ten-point proposal and President Nixon's eight-point proposal had called for elections in South Vietnam as a way of ending the war. Now Nguyen Duy Trinh focused on the differences between the two proposals.

"President Nixon's eight points allow Thieu, Ky, and their armies to remain in control during the elections. But Thieu and Ky jail those candidates who disagree with them. I'm afraid we know how 'free' the elections would be if they were held according to the Nixon formula," grimaced Nguyen Duy Trinh.

The foreign minister then turned to the NLF's ten points. The elections they called for would be run by a temporary coalition government. The PRG had already announced it was not that temporary coalition government. It was the government preceding the temporary coalition government. It was prepared to consult with other South Vietnamese political forces standing for "peace, independence, and neutrality" in establishing the temporary coalition government to organize the general elections. Once the elections had been held, the temporary government would dissolve, and the duly elected government would take over. This election plan paralleled a Buddhist South Vietnamese plan I had discussed in Paris with Thich Nat Hanh of the United Buddhist Church.

"President Nixon says he is looking for 'some sign from the other side' in response to his eight points," declared Nguyen Duy Trinh. "We have given him a sign. He has failed to see it."

The foreign minister then went on to elaborate how the PRG was a logical extension of the broadening opposition in South Vietnam to the Thieu-Ky government. The NLF was formally established December 20, 1960, as a coalition party that came to include non-Communist parties such as the Democratic Party, the Radical Socialist Party, the Patriotic and Democratic Journalists' Association, the Patriotic Buddhist Believers' Association, and the Cao Dai religious sect as well as the Communist People's Revolutionary Party. Numerically, the Communists comprised only a fraction of the NLF membership. Douglas Pike, for six years a U.S. Information Agency officer in Vietnam, estimates that in 1962 the Communist PRP formed only 35,000 of a total NLF membership of 300,000—less than one in eight.

In 1967 the South Vietnamese Catholic Bishops' statement against the war reflected official Catholic opposition to the policies of Thieu and Ky. Their statement was especially significant since the Catholic population in South Vietnam has traditionally been so strongly anti-Communist. In 1968, at the time of the Tet offensive, a new, broad-based party was formed: the Vietnam Alliance of National, Democratic, and Peace Forces. The party drew from city dwellers and intellectuals disaffected by the Thieu-Ky government and fearful of further imprisonments or harassments. When the Alliance Party was announced, a number of prominent South Vietnamese urban citizens dropped out of sight—only to surface later in sections of South Vietnam not controlled by Saigon.

Within this context, the newly established Provisional Revolutionary Government was a coalition of coalitions—with some Communist, but much more non-Communist, participation. "The PRG is now ready to form an even larger coalition with any South Vienamese who want peace, independence, and neutrality," the foreign minister told me. "It is a significant next step toward an election, reconciliation among the South Vietnamese people, and an end to the war. Please try to make this clear to your nation's leaders.

Four days later, in Hong Kong, I reported my Hanoi discussion to two State Department officers in the U.S. Consulate. Their response was blunt: "The PRG is the same as the NLF. They've just shifted titles around and called themselves a government rather than a party."

In Saigon, eleven days later, I told Ambassador Ellsworth Bunker of the foreign minister's statement. He and his aide also maintained that the PRG was the same set of people as the NLF, with a few changes in titles. The ambassador was unhappy with the "intransigent" position the NLF and Hanoi were taking. "They have lost half a million dead during the war—half of those killed last year. And they are being killed at the same rate this year. They must be hurting. Why don't they negotiate more reasonably?" He said nothing more about the PRG.

Only in Paris did I find a positive response to Hanoi's message—from Philippe Devillers, one of France's leading Vietnam specialists (author of Histoire du Viêt-Nam de 1940 à 1952 and co-author with Jean Lacouture of La Fin d'une Guerre: Indochine 1954). For years Devillers has maintained that the NLF is fundamentally an indigenous southern force driven into being by the oppression of Premier Ngo Dinh Diem and subsequent Saigon rulers.

"Because your country still accepts John Foster Dulles' image of world Communism," said Devillers, "it has failed to respond to the many non-Communist elements in the NLF and now the PRG. Take Huynh Tan Phat, the president of the Provisional Revolutionary Government. Phat is a Saigon architect by profession. His basic political affiliation is with the Democratic Party, of which he is general secretary.

"Phat was forced underground in 1958," Devillers continued, "when President Ngo Dinh Diem began suppressing opposition parties. Retaining his position in the Democratic Party, Phat joined the NLF coalition when it was formed in 1960, and he has served on the NLF Central Committee. Phat's economic strategy differs in important ways from that in North Vietnam. He includes more room for competition and market economics. He is not for a hasty reunion of South and North Vietnam. At one point he was even opposed to having any Northern troops come into the South. Since the establishment of the PRG, I have watched Phat's forces here in Paris. They have become increasingly influential in the South Vietnamese delegation."

Devillers went on to describe other men and women making up the eleven-member cabinet of the PRG. Almost all were middle-of-the-roaders. The New York Times correspondent in Hong Kong had thought he identified one member of the cabinet who had People's Revolutionary Party (Communist) connections—Tran Nam Trung, minister of defense. However, both the Times correspondent in Paris and Le Monde had stated that none of the leading members of the PRG was known to be a Communist.

At least three of the eleven cabinet members were from the recently formed VNANDPF Party: Nguyen Doa, vice-president; Dr. (Mme.) Duong Quynh F a, minister of public health and social affairs; and Professor Nguyen Van Kiet, minister of education and youth. Ironically, Luu Huu Phuoc, minister of information and culture, is the composer of South Vietnam's national anthem; he was a prominent South Vietnamese musician before he was driven underground by the Saigon government.

Devillers also described the thirteen-member Advisory Council established as a consultative body for the PRG. If anything, the Advisory Council's representative spectrum was even wider than that of the PRG cabinet. The Council's president was lawyer Nguyen Huu Tho of the NLF. Lawyer Trinh Dinh Thao of the VNANDPF was vice-president; during the Japanese occupation in 1945, Trinh Dinh Thao had acted as minister of justice. Other members of the Advisory Council included Superior Bonze Thich Don Hau, leader of the militant Buddhists in Hue; Pham Ngoc Hung of the Patriotic Catholics of South Vietnam; Huynh Van Tri of the Hoa Hoa Buddhists; Ibih Aleo of the Movement for the Autonomy of the Nationalities in the High Plateaux; Huynh Cuong of the Khmer Nationals; and Professor (Mme) Nguyen Dinh Chi of the Saigon-Cholon Revolutionary Committee.

"Within the present context of South Vietnam, the PRG is a moderate—even conciliatory—group with which your side could work to end the war," Devillers told me. "Furthermore, the establishment of the PRG means that the Communist world—including Hanoi—has accepted the existence of a separate 'Republic of South Vietnam.' More than twenty countries, including the Soviet Union and China, have formally recognized the PRG.

"Both now and in the immediate future," Devillers added, "there is no question of North Vietnam annexing or incorporating South Vietnam. Hanoi's formal acceptance of the PRG suggests it is not in any rush to reunite the two sections of Vietnam. The PRG itself is opposed to immediate reunification. It has stated the reunification of Vietnam will be achieved set by step, by peaceful means, through agreement between the two zones. Both governments are committed to reunification, but both are willing to work out the details over time. Americans should not underestimate how important *this* development is."

Devillers then went on to outline his own suggestions on how to end the war in Vietnam. They included:

A clear statement of U.S. intentions to withdraw all its troops from Vietnam (withdrawal would not have to be precipitous, but the intent and a clearly outlined withdrawal time-table would be necessary).

A de facto cease-fire along with the phased withdrawal of U.S. troops.

The establishment of a broadly based coalition government in which all sides had confidence.

Elections throughout South Vietnam supervised by the coalition government, with the simultaneous stepping down of Thieu and Ky and their replacement by the elected government.

"The establishment of the Provisional Revolutionary Government is the first step toward this solution," concluded Devillers.

Back in Washington, in July, our Quaker committee met with President Nixon's foreign policy advisers. I described my conversation with the foreign minister in Hanoi, stressing his concern that the United States take seriously the establishment of the Provisional Revolutionary Government in South Vietnam. I mentioned that the foreign minister felt the PRG was a conciliatory step toward the middle—a step which, if matched by the United States, would speed election day in South Vietnam.

The advisers listened like professors to a seminar report—critical, interested, searching for flaws. When I had finished, one of them wrote for several moments on the yellow pad beside him, commenting that this was something they would have to look into. It was not the enthusiastic response of Phillippe Devillers. But neither was it the swift rejection by the State Department officials I conferred with in Hong Kong and Saigon.

My work for the American Friends Service Committee took me to Hanoi again in October, 1969, to deliver open-heart surgical supplies for civilians. For a second time I met Foreign Minister Nguyen Duy Trinh. I described to him the State Department's negative reactions in Hong Kong and Saigon and the noncommittal reaction in Washington to his request that PRG be taken seriously. I concluded by saying I would probably see President Nixon's advisers again when I returned to the United States. In light of the response, did the foreign minister have any further points he would like me to stress?

Nguyen Duy Trinh repeated almost exactly what he had said four months earlier. He noted that apparently President Nixon was looking for a way to end the war without hurting America's prestige. The best way to do this would be to have general elections in all of South Vietnam. But the elections would have to be fair, he insisted. Thieu and Ky could not run a fair election. The best group to run such an election, he continued, would be a temporary coalition government composed of people acceptable to all factions. The PRG was the first step toward such a government. It would cooperate with any segment of the Saigon government—except Thieu and Ky. They could not be included because they represented a foreign power, the United States.

Nguyen Duy Tinh concluded: "Urge the White House to study the possibilities of a fair election in South Vietnam. Urge the White House also to recognize the significance of the Provisional Revolutionary Government for holding those elections."

Within a few days after my return to the United States, three of us from the Quaker committee met in Washington with a White House foreign policy aide. The aide opened the dialogue. President Nixon, he said, has two approaches in Vietnam. The first—the preferable one—involves free elections in South Vietnam and the establishment of a broadly based government. "But this requires cooperation from the other side. And they have not budged an inch."

The second approach—less preferable but "better than no approach at all"—is the "Vietnamization" of the war and the gradual withdrawal of major segments of American troops.

The three of us on the Quaker committee observed that "Vietnamization" of the war was an unacceptable policy—morally and militarily. Morally, it made others do our killing. Militarily, it invited a catastrophe when some future attack, comparable to the 1968 Tet offensive, caught, say, 200,000 U.S. troops abandoned by unwilling Saigon armies—with the crisis demanding precipitous withdrawal or equally precipitous escalation.

"But 'Vietnamization' is the policy being forced on us," asserted the President's aide. "Hanoi and the NLF take any concession we give and never make any concessions in response."

One of my Quaker colleagues was quick to correct the record. On at least two occasions, he pointed out, the Hanoi government had reversed its position. Early in the war it had announced it would not talk until the United States agreed to unilateral troop withdrawals. Then it modified its position and announced it would not talk until the Americans stopped bombing unconditionally. Finally it modified its position still further and agreed to talk even with only a conditional halt to the bombing.

Then it was my turn. I stressed how ironical it was that although the creation of the Provisional Revolutionary Government was a response, Washington had failed to recognize its significance. Twice Hanoi's foreign minister had chosen it and the elections it could implement as the point he wanted me to stress to the White House.

The aide replied, "But they're requiring us to abndon Thieu and Ky as preconditions for the elections. This we just cannot do. Thieu and Ky are the only viable political force the United States has been able to build in South Vietnam."

I pointed out that the PRG had said Thieu and Ky could not supervise the elections. Whether or not they could run as candidates might be open to negotiation in Paris or anywhere else.

"Do you think they'd let them run?" asked the White House aide.

"I don't know, but I imagine it could be discussed," I replied.

"What about a ceasefire before the elections? Who would supervise it? And would all U.S. forces need to be out of Vietnam before the elections?"

"I'm not the one to ask," I replied. "These are the sorts of things our diplomats and their diplomats should be discussing in quiet corners in Paris, or in small committees in Geneva, or any place else where bargaining can be done away from the glare of publicity and the need for all sides to strike postures."

The aide raised a series of further questions—skeptical but probing. In the end, he promised to convey the substance of our conversation to the White House.

That was in October. On November 3, President Nixon delivered a major address on Vietnam. In it he repeated Lyndon Johnson's justifications for the war in Vietnam—justifications that have since been repudiated by many of their original architects.

The President called on "the moral courage and stamina" of Americans, so that they would not allow the "last hopes for peace and freedom of millions of people to be suffocated by the forces of totalitarianism"—words that ring hollow when one has seen the "peace and freedom" that exist in South Vietnam today. More than a score of newspapers have been silenced since May, 1968 (including the prominent English-language Saigon Daily News). Truong Dinh Dzu, who ran second, as a peace candidate, in the 1967 presidential elections, has been imprisoned as have scores of writers, publishers, university professors, lawyers, and doctors, hundreds of Buddhist monks, and thousands of ordinary citizens whose only "crime" might have been incurring the displeasure of Thieu or Ky or their local officials.

President Nixon presented no plan for ending the war in Vietnam through elections. Instead, he described his program for "Vietnamizing" the war.

What has happened to the elections President Nixon proposed in May? It is hard to believe that the Chief Executive does not realize the PRG really is willing to hold elections in South Vietnam. Is he afraid that if elections are held in South Vietnam, Thieu and Ky will be repudiated by the electorate, thereby ending "the only viable political force the United States has been able to build in South Vietnam"? Is he so concerned that Thieu and Ky remain in office that he has abandoned any thoughts of an election? If so, the price we are paying to support Thieu and Ky is—and will continue to be—too high.

An election was a key part of the 1954 Geneva Agreement designed to bring peace to Vietnam. An election helped end the struggle between Algeria and France in 1962. An election could help resolve the war in South Vietnam today. The "other side" has

offered a handle to President Nixon which he could use to end the war. The handle is the Provisional Revolutionary Government and the possibility of a broadly based election. The White House cannot truthfully continue to say it is waiting for the other side to respond. The other side has responded. Now it is our turn.

VIETNAM: THE CRUCIAL ISSUE

(By Senator J. WILLIAM FULBRIGHT)

In his last major address on the war, President Nixon spoke of the "right of the people of South Vietnam to determine their own future" as the single American war aim which is not negotiable. "Let historians not record," declared the President, "that, when America was the most powerful nation in the world, we passed on the other side of the road and allowed the last hopes for peace and freedom of millions of people to be suffocated by the forces of totalitarianism."

The President's words, part of his November 3 speech, are a reasonable expression of the *theory* behind our war in Vietnam. Like many theories, however, it does not tell us much about the *practice*.

American intervention in Vietnam never has been rationalized primarily in terms of indigenous Vietnamese considerations. It was said—and is still said—to be an exemplary war—an object lesson for the makers of "wars of national liberation," and a war designed to inspire worldwide confidence in America through a demonstration of fealty to our presumed commitments.

Mr. Nixon has long subscribed to this theory of an exemplary war. Early in his campaign for the Presidency he made reference to Vietnam as "the cork in the bottle of Chinese expansion in Asia." In the spring of 1968 he asserted that the war was "not for the freedom and independence of South Vietnam alone, but to make possible the conditions of a wider and durable peace . . . ." And in his speech of November 3 the President predicted that American withdrawal from Vietnam—our "defeat and humiliation," as he chose to put it—"would spark violence wherever our commitments help maintain the peace—in the Middle East, in Berlin, eventually even in the Western Hemisphere."

Expanding on the exemplary war thesis, President Nixon expressed the opinion on November 3 that calling off our war in Vietnam "would result in a collapse of confidence in American leadership not only in Asia but throughout the world." The President's own chief foreign policy adviser, [Henry] Kissinger, effectively challenged this proposition in an article written shortly before he went to work in the White House. "Whatever the outcome of the war in Vietnam," he wrote, "it is clear that it has greatly diminished American willingness to become involved in this form of warfare elsewhere. Its utility as a precedent has therefore been importantly undermined."

Wedded as they have been to the idea of Chinese Communism as a conspiracy for the conquest of Asia, if not of the world, our policy makers have been more than resourceful in disposing of facts that do not fit the cherished preconception. Conceding in *principle* that the world Communist movement is divided, and that North Vietnam is not merely a pawn of China, our policy makers nonetheless invoke these very specters in their efforts to justify our involvement in Vietnam. Mr. Rusk used to warn of a "world cut in two by Asian Communism." The President's speech of November 3 was suffused with associations of this kind, including a reference to "those great powers who have not yet abandoned their goals of world conquest." For whatever their reasons—conviction, pride, or dogmatic anti-Communism—our policy makers have never been willing to recognize the Vietnamese conflict for that which virtually every expert and seasoned observer has long recognized it to be: a civil conflict in which Communism is and always has been secondary to the drive for national independence.

Once it is clear that the war in Vietnam is neither a valid global testing of the liberation-war doctrine nor a proxy war in a grand Chinese strategy for the conquest of Asia, it follows inescapably that the United States has been fighting a war without need or justification—a war based on demonstrably false premises. My own premise, of course, is that our legitimate interest in Southeast Asia is not ideological but strategic, having to do not with the elimination of the Vietcong or of any other indigenous Communist movement but with the discouragement of overt Chinese military expansion.

The prevalent view among Southeast Asian specialists outside of government is that the Chinese challenge in South Asia is more political and cultural than military, that a strong independent Communist regime is a more effective barrier to Chinese power than a weak non-Communist regime, that the Hanoi government is nationalist and independent, and that, accordingly, once peace is restored—if ever it is—North Vietnam will serve as a barrier rather than as an avenue to Chinese expansion.

Assuming still that our national interest in Asia is strategic rather than ideological, it follows that the United States has no vital security interest in the preservation of South Vietnam as an independent non-Communist state. Indeed the United States has no vital interest in whether South Vietnam is governed by Communists, non-Communists, or a coalition; nor is it a matter of vital interest to the United States whether North and South Vietnam are united or divided.

When President Johnson used to declare that he would not be the first American president to lose a war, and when President Nixon warns, as he did on November 3, against "this first defeat in American history," they are not talking about the national interest but about the national ego and their own standings in history. A war is not a football game which you try to win for its own sake, or in order to maintain an unblemished record of victories. A war is supposed to be fought for purposes external to itself, for substantive political purposes, not just for the glory of winning it. When its political purposes are recognized as unworthy, as they have been in Vietnam, it is rank immorality to press on for a costly, destructive, and probably unattainable victory.

President Nixon said one thing in his recent speech with which I agree. He said that "North Vietnam cannot defeat or humiliate the United States. Only Americans can do that." In my opinion we have already done it, but I also think we can undo it—not with glory, because there is no glory in a charnel house, and not with "honor" in the sense in which soldiers use that term. But we can do it with dignity and we can do it with self-respect—the self-respect of human beings who have learned something about their own humanity and its terrible fallibilities. The question, of course, is how.

The Administration has a plan—so they tell us—for getting out of Vietnam. They won't tell us exactly what it is, or exactly how it will work, or when it will be accomplished, but they insist that they have a plan. They call it "Vietnamization." As defined in the President's speech of November 3, "Vietnamization" means that American forces will be withdrawn gradually while the Saigon army is built up to take over a greater share of the war.

Until and unless the Administration provides clear, specific evidence to the contrary, Vietnamization can only be taken as "heads I win, tails you lose," a strategy aimed at victory for the Thieu-Ky government. And that, as the Paris peace talks have shown, is an outcome which the North Vietnamese and the Vietcong will never accept, unless it is forced upon them by military defeat.

American soldiers in the field have little confidence in the ability of the Army of the Republic of Vietnam to take over the fighting. One Green Beret captain, part of a twelve-man team which has been trying to shape up a South Vietnamese force in an outpost near the Cambodian border, commented to a reporter: "Let our glorious allies in on anything, and the enemy knows about it within an hour." A group of GI's gathered around their radio at an outpost in Vietnam greeted President Nixon's glowing account of the progress of Vietnamization on November 3 with what one account describes as "loud, ironic laughter."

The crucial issue of the war is the character of the government which rules in Saigon. As long as American policy is committed to survival of the Thieu-Ky regime or one very much like it, "Vietnamization" will remain a euphemism for victory. The North Vietnamese and the Vietcong have said that they will fight indefinitely to prevent that and they have shown their ability to do so. As outlined by President Nixon, Vietnamization, according to a Rand Corporation expert, "is a policy that must goad the Hanoi leadership to challenge it by increasing the pressure of United States casualties; to which the President promises to respond by re-escalation against all past evidence (and consistent, reliable intelligence predictions) that this would neither deter nor end such pressure."

In his speech of November 3, President Nixon said that "we really have only two choices open to us if we want to end this war"—either "precipitate" withdrawal or, failing acceptance of our terms in the Paris peace talks, Vietnamization. The President, I think, is mistaken. There is a third and better option than either of these: the negotiation of arrangements for a new interim government in South Vietnam, for elections conducted by the interim coaltion regime with or without international supervision, and for complete American withdrawal.

The obstacle to such a negotiation is our continuing attachment to the Thieu-Ky government. If we could bring ourselves to deprive Saigon of its veto on American policy—as we could do without impairing either our own vital interests or, I daresay, the best interests of the South Vietnamese people—there would be no need either for the "precipitate" withdrawal which the President likes to talk about or for the condemnation of the Vietnamese people to prolonged war, which is the true meaning of "Vietnamization."

There is good reason to believe that, in return for our agreement to an interim coalition government and to ultimate total American withdrawal from Vietnam, the Vietcong and the North Vietnamese would be willing to make significant concessions. They have already indicated that they would not expect total American withdrawal prior to substantive negotiations but only a commitment to a definite schedule for withdrawal. They have also indicated that a transitional government need not necessarily include members of the National Liberation Front.

In addition, the North Vietnamese government is on record as being willing to accept a neutralist, independent South Vietnam which they would not seek forcibly to reunite with North Vietnam. It should also be possible, in such a negotiation, to make arrangements for a general amnesty on both sides and for prevention of the "blood bath" which the Administration confidently predicts should the Vietcong ever gain power in South Vietnam.

Whether, and to what extent, the North

Vietnamese and the Vietcong are sincere in the concessions they say they are willing to make can only be ascertained in serious, substantive negotiations. To get these negotiations going two things are required of the United States: our willingness to require Thieu and Ky to take their chances along with the other factions in South Vietnamese politics, and our willingness to commit ourselves to a phased but total American military withdrawal from Vietnam.

We do not have to force such a settlement on the South Vietnamese government. We need only put them on notice that these terms have become our war aims, that we hope they will join us in negotiating their realization, but that, if they are not, we shall nonetheless negotiate the conditions of American withdrawal, while they, in turn, will be at liberty to continue the war on their own, to negotiate for new alliances, or to come to their own terms with the Vietcong.

If we did withdraw and the Army of the Republic of Vietnam, with its one million well-equipped soldiers, could then be inspired to defend the Saigon government, it would survive. If it could not be so inspired, then the South Vietnamese government would not survive. But we have done enough, having fought their war for more than four years at the cost of more than forty thousand American lives thus far.

As long as the Nixon Administration adheres to its present position that it will "discuss" but not "negotiate" a settlement without Saigon's approval, thereby giving Saigon a veto on our policy, Mr. Thieu will have every incentive for continued adherence to his present uncompromising stance. He minced no words in stating his government's position upon his return from Midway last June. "I solemnly declare," he said at that time, "that there will be no coalition government, no peace cabinet, no transitional government, not even a reconciliatory government." Again, on Vietnamese television on September 19, Thieu dismissed the idea of a standstill cease-fire as "unrealistic," pledged never to cede "so much as a hamlet" to the Vietcong, and said he would make no further concessions at Paris. He said that his government would never accept the existence "in any way" of a Communist party in South Vietnam.

Lacking either a reliable army or the support of their own people, the Saigon generals have only one solid base of power: their veto over American war policy. If they had anything like the same influence in Vietnam that they have had in Washington, Thieu and Ky would have beaten the Vietcong long ago. The critical question therefore remains: Are we going to allow Saigon to continue to exercise this veto or are we going to give them the simple choice of joining us in making a compromise peace or continuing the war on their own?

Our basic asset, which neither the Johnson nor the Nixon Administration has been willing to acknowledge, is that this war is not now and never has been essential to our interests, essential, that is, to the freedom and safety of the American people. The exact terms of peace do not, therefore, matter very much from the standpoint of American interests, but the early restoration of peace matters enormously because every day that this war goes on the sickness of American society worsens.

After all this killing and destruction, and unless we remain in permanent occupation of Vietnam, the eventual outcome will probably be the same that it would have been if Americans had never gone to Vietnam. Our leaders may then suffer a loss of prestige but our country will have recovered its self-respect. As for the Vietnamese, they are a nation of tough, resilient peasants who will make their own accommodations to reality. As a young South Vietnamese army officer told an American reporter: "In thousands of years of our history we have seen the Chinese and the French and the Japanese come and we have forgotten them all. In time we will forget the Americans, too. Whether they did good or ill, they will only be a footnote to our history."

Looking back on the history of Vietnam since World War II, if we had not intervened in any way either to support the French or to create the Diem government, the nationalists would probably have achieved the independence of a unified Vietnam. It would have been achieved under the only authentic nationalist leader in modern Vietnamese history, Ho Chi Minh, and we would probably be today on as good terms with a unified Vietnam as we are with Yugoslavia.

Thieu-Ky Brand of Freedom

The most recent evidence of the harsh and oppressive character of the Thieu-Ky dictatorship, whose preservation is a central goal of Nixon Administration policy, was reported from Saigon by *The New York Times* as 1969 ended.

The dispatch reported that the Thieu-Ky regime had just arrested fifteen more student leaders at Saigon University and closed two additional newspapers in forty-eight hours "in an apparent crackdown on opposition elements." Said *The Times:* "The students were accused of singing anti-war songs and convening a meeting without permission. The newspapers were charged with advocating neutralism . . ."

The Times noted that press censorship was abolished, in theory, twenty months ago, but thirty-nine daily newspapers have been suspended for specific periods or closed down altogether since then.

The Illusion of Vietnamization

(Statement by Senator George McGovern before the Senate Foreign Relations Committee, Washington, D.C., Feb. 4, 1970)

Mr. Chairman and distinguished members of the Committee: The resolution that I have submitted, with the co-sponsorship of Senators Church, Cranston, Goodell, Hughes, McCarthy, Moss, Nelson, Ribicoff, and Young of Ohio, calls for the withdrawal from Vietnam of all U.S. forces—the pace to be limited only by three considerations: (1) the safety of our troops, (2) the mutual release of prisoners of war, and (3) arrangements for asylum in friendly countries for any Vietnamese who might feel endangered by our disengagement.

This process of orderly withdrawal could be completed, I believe, in less than a year's time. (I was advised on December 22 by the Department of Defense that the 484,000 men we now have in Vietnam could be transported to the United States at a total cost of $144,519,621.)

Such a policy of purposeful disengagement is the only appropriate response to the blunt truth that there will be no resolution of the war so long as we cling to the Thieu-Ky regime. That Government has no dependable political base other than the American military presence, and it will never be accepted either by its challengers in South Vietnam or in Hanoi.

We can continue to pour our blood and substance into a never-ending effort to support the Saigon hierarchy, or we can have peace, but we cannot have both General Thieu and an end to the war.

Our continued military embrace of the Saigon regime is the major barrier both to peace in Southeast Asia and to the healing of our own society. It assures that the South Vietnamese generals will take no action to build a truly representative government which can either compete with the NLF or negotiate a settlement of the war. It deadlocks the Paris negotiations and prevents the scheduling of serious discussions on the release and exchange of prisoners of war. It diverts our energies and resources from critical domestic needs. It sends young Americans to be maimed or killed in a war that we cannot win and that will not end so long as our forces are there in support of General Thieu.

I have long believed that there can be no settlement of the Vietnam struggle until some kind of provisional coalition government assumes control in Saigon. But this is precisely what General Thieu will never consider. After the Midway Conference last June, he said:

"I solemnly declare that there will be no coalition government, no peace cabinet, no transitional government, not even a reconciliatory government." Although President Nixon has praised General Thieu as one of the 3 or 4 greatest statesmen of our age, Thieu has brushed off the suggestion that he broaden his government and has denounced those who advocate a negotiated peace as "pro-Communists, racketeers and traitors." "A coalition government means death," he said.

Let us not kid ourselves. That is a clear prescription for an endless war and changing its name to "Vietnamization" still leaves us tied to a regime that cannot successfully wage war or make peace. When administration officials expressed the view that American combat forces might be out of Vietnam by the end of 1970, General Thieu called a press conference last month and insisted that this was an "impossible and impractical goal" and that instead withdrawal "will take many years."

Yet, there is wide currency to the view that America's course in Southeast Asia is no longer an issue, that the policy of "Vietnamization" promises an early end to hostilities. That is a false hope emphatically contradicted not only by our ally in Saigon but by the tragic lessons of the past decade.

As I understand the proposal, "Vietnamization" directs the withdrawal of American troops only as the Saigon armed forces demonstrate their ability to take over the war. Yet, a preponderance of evidence indicates that the Vietnamese people do not feel the Saigon regime is worth fighting for. Without local support, "Vietnamization" becomes a plan for the permanent deployment of American combat troops, and not a strategy for disengagement. The President has created a fourth branch of the American government, by giving Saigon a veto over American foreign policy.

If we follow our present policy in Vietnam, there will still be an American army of 250 or 300 thousand men in Southeast Asia fifteen or twenty years hence. Meanwhile, American firepower and bombardment will have killed more tens of thousands of Vietnamese to save a corrupt, unrepresentative regime in Saigon. Any military escalation by Hanoi or the Vietcong would pose a challenge to American forces which would require heavier American military action and, therefore, heavier American casualties; or we would be faced with the possibility of a costly, forced withdrawal.

The "Vietnamization" policy is based on the same false premises which have doomed to failure our previous efforts in Vietnam. It assumes that the Thieu-Ky regime is a legitimate, popularly backed government standing for freedom and self-determination. Actually, the Saigon regime is an oppressive dictatorship which jails its critics and blocks the development of a broadly based government. The South Vietnamese minister for liaison with parliament Von Hun Thu, confirmed June 20 that 34,540 political prisoners were being held at that time. Many of these people are non-communists who are guilty of nothing more than advocating a neutral, peaceful future for their country. In proportion to population the political prisoners held by Saigon would be the equiv-

alent of a half million political prisoners in the U.S.

The Thieu-Ky regime is no closer to American ideals than its challenger—the National Liberation Front. Indeed, self-determination and independence are probably far stronger among the Vietnamese guerrillas and the supporters than within the Saigon government camp.

I have never felt that American interests and ideals were represented by the Saigon generals or their corrupt predecessors. We should cease our embrace of this regime now and stop telling the American people that it stands for freedom.

I want to make clear that I am opposed to both the principle and the practice of the policy of Vietnamization. I am opposed to the policy whether it "works" by the standards of its proponents, or does not "work". I oppose as immoral and self-defeating a policy which gives either American arms or American blood to perpetuate a corrupt and unrepresentative foreign regime. It is not in the interest of either the American or the Vietnamese people to maintain such a government. I find it morally and politically repugnant for us to create a client group of Vietnamese generals in Saigon and then give them our murderous military technology to turn against their own people. Vietnamization is basically an effort to tranquilize the conscience of the American people while our government wages a cruel and needless war by proxy.

An enlightened American foreign policy would cease trying to dictate the outcome of an essentially local struggle involving various groups of Vietnamese.

If we are concerned about a future threat to Southeast Asia from China, let us have the common sense to recognize that a strong, independent regime, even though organized by the National Liberation Front and Hanoi, would provide a more dependable barrier to Chinese imperialism than the weak puppet regime we have kept in power at the cost of 40,000 American lives and hundreds of thousands of Vietnamese lives.

Even if we could remove most of our forces from Vietnam, how could we justify before God and man the use of our massive firepower to continue a slaughter that serves neither our interest nor the interest of the Vietnamese?

The policy of Vietnamization is a cruel hoax designed to screen from the American people the bankruptcy of a needless military involvement in the affairs of the Vietnamese people.

Instead of Vietnamizing the war, let us encourage the Vietnamization of the government in South Vietnam. We can do that by removing the embrace that now prevents other political groups from assuming a leadership role in Saigon that are capable of expressing the desire for peace of the Vietnamese people.

I strongly support the thrust of the pending resolutions which call for our early disengagement from this struggle.

Perhaps the most ironic aspect of the entire matter is this: our leaders seem more sensitive to the wishes of a corrupt military junta in Saigon than to the concerns of this committee and of those Americans who have been trying for years to call our nation away from the blunders of Vietnam. My major concern about the present Administration is that by the skillful use of national television and the politics of manipulation, it has isolated and intimidated American critics of the war while identifying American interests with a regime in Saigon that is despised by its own people.

Those of us who have opposed our Vietnam involvement under the previous administration, as under the present administration, will have to admit that the Nixon Administration has temporarily carried American public opinion with them. Our task as dissenters is more difficult now, but is all the more important. The day will surely come when the American people will realize that they have been misled by the skillful political manipulation of the Administration.

I have recently experienced one minor aspect of the strategy of manipulation and intimidation. The Pentagon has dispatched one of its officers, a Major Rowe, to attack me and other Senators, including Senators Mansfield and Fulbright, for criticizing the Vietnam policy. After a visit with the President at the White House, the Major undertook a series of radio and television programs in which he has questioned my loyalty to the American flag. News accounts now indicate that he has gone back to Vietnam to gather material for a book in which he intends to extend his attacks on Senate critics of the Vietnam policy.

Although I question the propriety of an Army officer using his post to attack the foreign views of elected representatives, what disturbs me even more is the assumption that anyone who disagrees with him or the President is disloyal to the American flag. Indeed, the Major and his political sponsors in the Pentagon and elsewhere are guilty of unpatriotic and unAmerican actions when they engage in these "below-the-belt" tactics against their fellow Americans.

If the Pentagon and the White House assumes that by falling into the hands of the enemy who held him captive for several years, Major Rowe or any other officer earned the right to speak with unchallenged wisdom about American foreign policy, that is their prerogative. But to suggest that the Major's imprisonment entitles him to question the patriotism of those who have a different view of American policy makes one question whether either he or his political sponsors know what American democracy is all about. Perhaps it explains why they feel more compatible with General Thieu's dictatorship than they do with America's traditions of dissent and debate.

But despite such tactics and despite appeals to public opinion polls seeking to register the views of an alleged "silent majority", there is little hope for an end to the Vietnam war except through the kind of critical examination of policy which forums like this provide.

Had it not been for a courageous and thoughtful minority, including the chairman and some of the members of this committee, we would doubtless be escalating toward World War III in Southeast Asia. Instead, we have sufficiently exposed the folly of Vietnam so that the debate now centers on how to get out of this regrettable venture.

So let no one assume either that our leaders always know best or that silence in the face of madness is a public virtue.

S. CON. RES. 39

Concurrent resolution relating to withdrawal of United States force from Vietnam

Whereas the war in Vietnam has resulted in the loss of more than forty thousand American lives, in some two hundred and fifty thousand American casualties, in the depletion of American resources to the extent of over $100,000,000,000, and in inestimable destruction of Vietnamese life and property; and

Whereas the war stands today as the greatest single obstacle to efforts to focus the country's financial, human, and spiritual resources upon urgent domestic needs; and

Whereas spokesmen for the present administration have recognized that military victory cannot be achieved in Vietnam and have specifically defined United States policy to exclude that unattainable goal; and

Whereas the painful history of United States involvement in Vietnam exposes the futility of external attempts to create and sustain a viable, indigenous government, particularly when its leaders resist political and social reforms aimed at inspiring popular confidence and support; and

Whereas the leaders of South Vietnam have indicated, by action and deed, that their ambitions conflict with the interests of the United States in a prompt settlement of the conflict, and that they are unlikely to adopt a negotiating posture which might end the war so long as they are assured of all the United States support they need to prosecute it; and

Whereas the dominant result of policies relating the level of American presence to the capability or willingness of the South Vietnamese to fight the war themselves can only be the continued daily loss of life and limb by American servicemen, with no foreseeable conclusion: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress of the United States that all United States forces should now be withdrawn from Vietnam, the pace of the withdrawal to be limited only by steps to insure the safety of our forces, the mutual release of prisoners of war, and the provision of safety, through arrangement for amnesty or asylum in friendly countries, for those Vietnamese who might be endangered by our disengagement.

[From the Christian Science Monitor, Jan. 3–5, 1970]

WRONG VIET COURSE? MCGOVERN ASSAILS U.S. TIES TO THIEU-KY REGIME

(NOTE.—An in-depth assessment of the war from Republican National Chairman Rogers Morton was carried in the January 2 edition of this newspaper.)

(By Godfrey Sperling, Jr.)

WASHINGTON.—Sen. George McGovern, a leading critic of the administration on the Vietnam war, sees "no early end to the war" as long as "we're still wedded to the Thieu-Ky regime."

While giving credit to President Nixon for troop reductions, the South Dakota Senator says, "We're on the wrong course."

In a year-end interview with The Christian Science Monitor, the Senator, a very probable candidate for president in 1972, also charged the administration with "government by propaganda."

By this he said he meant, "an effort to manipulate the people behind administration policy rather than changing the policy along lines that we had hoped the President would follow" (on the war).

In other comments, the Senator:

Used the word "significant" in describing GOP chairman Rogers Morton's prediction of the United States ending its combat role in Vietnam within six to nine months. But he added that he was still skeptical.

Gave Mr. Nixon credit for expanding food-assistance programs, for progress in family assistance, and for draft and tax reform.

The interview with Senator McGovern follows:

Senator, at year's end, would you please assess the Nixon administration for us?

On the negative side, my big disappointment in this administration centers in the failure of President Nixon to move quickly to liquidate our involvement in Vietnam. I think we're still wedded to the Thieu-Ky regime. And as long as we continue in that posture I don't see an early end to the war in Vietnam.

I believe that the President's election stemmed in considerable part, perhaps to a major extent, from the dissatisfaction with the previous administration's handling of the war in Vietnam.

And while the President has made some reduction in forces in Vietnam for which he deserves some credit, we continue to cling to the maintenance of an unpopular regime in Saigon. I think as long as that is our policy we're on the wrong course.

Yet a year has gone by and the President appears to have a good part of the public behind him on the war issue. Hasn't this been a rather remarkable achievement, that he would still be able to keep this kind of support?

This leads me to what is my second disappointment with this administration. This is what I could call "government by propaganda"—an effort to manipulate the people behind administration policy rather than changing the policy along lines that we had hoped the President would follow on the basis of what he said during the campaign.

Let me be very frank about it. I really believed in 1968 that candidate Nixon would quickly end this war if he were elected. And I think instead of that what he has done is to concentrate on managing American public opinion to support what is essentially the same policy we were following prior to his election.

DANGERS FELT

He has turned the Vice-President loose in a series of speeches designed very frankly to discredit the peace movement.

There's no question about that. Those speeches were aimed at the more articulate young people on university campuses who were sparking the peace effort in the university community. They were aimed at those senators and congressmen who'd been speaking out. And they were aimed at liberal network commentators on television and liberal papers that had been speaking out editorially against our policy in Vietnam and had continued that criticism of the Nixon administration.

I gather that you see great danger here?

Yes. I think it's a very dangerous trend when the United States Government uses its great influence and power to silence legitimate criticism and legitimate dissent.

The President by doing that has temporarily won probably the support of the majority of the American people for his policy in Vietnam. He's had [Vice-President] Agnew taking the low road in undercutting the critics. He himself has command on nationwide television and radio and in well-publicized and well-advanced speeches to present his own policy in the most attractive possible way.

And he has, himself, avoided direct assaults on his critics. But what he's held out is the hope of peace based on his repeated assurances that that is his goal and based on the dramatic announcements of troop reductions which leave the impression, I think, in the minds of most Americans that we're moving out about as rapidly as we can.

So that we've had a kind of government by public relations, government by propaganda, government by manipulation, which I find a very, very disturbing trend.

Has there been some substance, though, to the troop withdrawals themselves and to the Vietnamization over there? Hasn't there been some movement toward getting out of the war?

Yes, I think as I indicated earlier, and I want to spell that out clearly, that President Nixon deserves some points for reducing the number of troops there.

We had been escalating up until now. He does deserve credit for that. He deserves whatever credit is involved in trying to turn the war over to the Vietnamese.

VIETNAMIZATION QUESTIONED

But if I could describe in just one sentence what I think is wrong with the Nixon administration's approach to Vietnam and what I think we ought to do, I would put it this way:

Instead of seeking to Vietnamize the war, we ought to be trying to Vietnamize the government in South Vietnam.

Now what do I mean by that? I mean this, that I think it's a very cruel if not immoral policy for us to be creating a client state in South Vietnam and then encouraging them with our arms and our money to continue the slaughter of their own people.

This is basically what is involved in Vietnamization—it's an effort to fight a war by proxy, to use the massive technology of the United States to arm one side of a civil war.

Now if we want to see this war come to an end on a more humane and rational basis than simply arming the Vietnamese to fight it out among themselves, I would say that we ought to Vietnamese the government in South Vietnam by easing off our embrace, by easing off our support for Mr. [President] Thieu and [Marshal] Ky and in doing so to create the kind of political situation where they would be forced to go out and form a much broader coalition government—where they would have no other alternative except to embrace many of the political groups whose leaders are now imprisoned in Saigon and to perhaps invite some of the exiles to return and form what would amount to a transitional peace government in Saigon that would have the credibility to negotiate a settlement with the Viet Cong.

SKEPTICISM VOICED

That's really the way to end the war—on a negotiated basis and on a more enduring political basis that would hold out the hope for real stability and peace in South Vietnam.

Rogers C. B. Morton said to me the other day—he'd just talked to the President—that he was absolutely convinced that Nixon was going to get us out of this war. And furthermore, he predicted that we'll be out of any kind of combat role within six to nine months.

I think that's a very significant prediction, Mr. Sperling. Because Rogers Morton is a very thoughtful, and I think shrewd, effective political spokesman. I have a high regard for his ability and for his understanding of American politics.

I have heard several assurances of that kind from people who have talked to the President.

I have to be candid with you and tell you that I am still skeptical of the validity of that interpretation. But I hope I'm wrong.

I hope very much that the President is using this kind of tough rhetoric about how we're not going to yield and we're going to keep our commitments, that we're going to stand by General Thieu and Marshal Ky—I hope he's using that as a political device to kind of disarm the right-wing critics here at home.

And that he really behind that rhetoric has the intention of withdrawing on the kind of timetable that Congressman Morton says he does. . . .

Now what do you see as the pluses of the Nixon administration for the first year?

I think perhaps the two most significant achievements of the administration are, first of all, progress that has been made in expanding our food-assistance programs.

I give the Nixon administration rather high marks in quickly grasping the urgency of the malnutrition problem in this country and moving to meet it.

That doesn't mean they've solved the problem, but the rhetoric has been right, the commitments have been right, and some modest steps have been taken in meeting that problem.

Second to that I would like to applaud the President for being the first American president to talk about family assistance in a new framework.

He has said that this administration will move in 1970 and 1971 to provide a minimum income for the needy families in this country who are unable to work. And he has suggested what I think is a useful emphasis: that the program ought to be geared in such a way that it does not penalize the working poor. . . .

And I give the President a good score in at least recommending a change in what we all recognize is an inadequate welfare program.

HEARINGS ON VIETNAM—1970

(By Senator J. W. FULBRIGHT, Chairman, Committee on Foreign Relations)

There has occurred in the last two years a most important—and welcome—change in America's war policy in Vietnam. Prior to March 1968 we were expanding the scale of the war; since that time we have been reducing it—slowly but steadily. President Johnson initiated the process of gradual deescalation by limiting the bombing of North Vietnam, thus allowing the Paris peace talks to begin, and then, near the end of his term, by ending the bombing of North Vietnam altogether. President Nixon has continued the deescalation through gradual, periodic withdrawals of American troops. In early 1969 there were 542,500 American troops in Vietnam. By April 1970—which will be two years after the deescalation policy began—there will remain, under current withdrawal plans, 434,000 American soldiers in Vietnam.

The great majority of the American people—and of the Congress and of the members of this Committee—have welcomed the deescalation policy of the last two years as a signal improvement over the previous policy of escalation. Many Americans—including members of this Committee—have thought the process excessively slow but the fact remains: reducing the scale of this longest war in American history is far preferable to expanding it—though not as good as ending it. I believe further, that most Americans can unite in support of the broad policy objectives outlined by President Nixon in his recent State of the Union Message: an early end to the war in Vietnam; the implementation of the Guam doctrine calling on other nations to accept primary responsibility for their own defense and development; and the refocusing of American energies on a quest for a "new quality of life in America."

In order to assist the Executive in advancing toward these objectives, the Committee opens today a new series of public hearings on the war in Vietnam. Today and tomorrow we will hear testimony by Senators speaking on various resolutions and legislative proposals relating to the war in Vietnam as well as to related general problems of American foreign policy. Witnesses scheduled for today are Senator Goodell of New York, Senator Hughes of Iowa, Senator Eagleton of Missouri and Senator Mathias of Maryland. Tomorrow the Committee will hear testitimony by Senator Scott of Pennsylvania, Senator McGovern of South Dakota, Sena-Hartke of Indiana, Senator Dole of Kansas and Senator Young of Ohio. Testimony by representatives of the executive branch and by a number of nongovernmental foreign policy experts will be heard at a later date.

As the President said in his State of the Union Message the prospect for a lasting peace will be greatly improved by a continuation of the relationship between Congress and the Executive under which we all conduct ourselves not as Republicans or Democrats but as Americans—despite differences in detail about the security of our country and the peace of the world. It is in that spirit that the Committee opens these new hearings on Vietnam. Much of the discussion is likely to deal with those "differences in detail" of which the President spoke. Difficult questions may be raised, and it will not astonish me altogether if criticisms of the Administration's policy are expressed. That, however, is part of the vitality of the democratic process. Praise is gratifying but it is seldom useful as a means of generating serviceable new ideas. There is no better way for this Committee to assist the President than by thorough, open discussion of the best possible means by achieving the objective

which all of us support—an early reasonable peace settlement in Vietnam.

We have been hearing a great deal lately about the progress that has been made toward ending the war. The President said in his State of the Union Message that the "prospects for peace are far greater today than they were a year ago." And Secretary of State Rogers said recently that we are on "the right track toward national release from total preoccupation" with Vietnam. These are welcome assurances, which can usefully be examined in greater detail. In what exact ways, we may ask, have we advanced toward peace. The war, as we know, is still on. Replacements are still being sent to Vietnam; we are still suffering about 750 casualties a week; and the war is still costing the American people $70 million a day.

No member of this Committee, I am sure, would wish to denigrate the limited steps which have been taken toward peace, but neither can we allow ourselves to become complacent. I for one have been puzzled by comments to the effect that the war is no longer an issue in American politics. Some writers have suggested that the American people have lost interest in the war and are now preoccupied with inflation. Aside from the fact that the war and the inflation are closely related—the cost of the war being a major spur to rapidly rising prices—the war remains a critical issue in its own right. As long as American soldiers are fighting and dying in a distant conflict, that conflict—even though slightly scaled down—must remain the major concern of the American people and their elected representatives. For that reason this Committee can and must ask: in what exact way have the prospects for peace improved? And how and when may we expect the prospect of peace to become the reality of peace?

In this connection more specific questions arise regarding the so-called "Vietnamization" of the war. How well is it progressing? And how long will it take? Does "Vietnamization" mean that all American troops will be withdrawn or only our ground combat troops, leaving a "residual" force of 100,000 or 200,000 or 300,000 men? What is the likelihood that the Vietcong and the North Vietnamese will allow "Vietnamization" to proceed without trying to shatter it through a major new offensive? What will we do if "Vietnamization" fails, if the South Vietnamese army, left on its own, should come near to collapse again as in 1964? Would we then send American troops back in and re-escalate the war? Is that what President Nixon meant when he said last November 3, and again on December 15, that he would take "strong and effective measures" if the enemy took military advantage of American withdrawal? Secretary Laird has said that he "would not rule out" reescalation if "Vietnamization" should fail.* Finally we must ask whether, all things considered, "Vietnamization" is the most promising path toward peace, more promising than a renewed effort to negotiate a compromise settlement in the Paris talks. All these questions require clarification if Congress and the American people are to make informed judgments about the best possible route to peace.

It has been said that it is too late now to debate whether we should or should not have gone into Vietnam in the first place. My own feeling is that the continuing exploration of this question is still pertinent, not just for the sake of history, or for parceling out praise and blame, but or purposes of defining our national interests and the best means of upholding them. If it was wise for us to intervene in Vietnam in the first place, if it was really essential for our national security, then it might now be judged wise to remain there in full force and not just to "Vietnamize" the war but to win it outright. But if our intervention was a mistake to begin with, if South Vietnam never was of major importance to our national security, then it might now be judged safe and wise to negotiate a prompt end to American participation in the war, leaving the Vietnamese factions to fight it out among themselves. We must continue to reevaluate the past because the wisdom or lack of it in what we have already done has everything to do with the wisdom or lack of it in what we are now doing and with what we now ought to do.

The Committee can further assist the President in his efforts for peace by reexamining the feasibility of a negotiated compromise settlement. Perhaps, after two years of futile peace talks in Paris, it is time to call the effort off, or to suspend the talks temporarily, or simply to leave them in the downgraded condition they have been in since the withdrawal of Ambassador Lodge and the Administration's decision not to replace him with another top-ranking American representative. On the other hand, depending upon what we judge our national interests to be, it may be feasible to send a top-ranking American team back to Paris with a whole new set of proposals for a compromise peace.

If the survival in power of the Thieu-Ky government or one very much like it is judged not essential to American interests—and that now seems to be the judgment of well-informed people both in and out of government—then it may be feasible to reach agreement with the National Liberation Front and the North Vietnamese on an interim government representing all of the Vietnamese factions which would then conduct elections, or simply negotiate among themselves, for the creation of a more permanent regime. Recent visitors to Hanoi report that the National Liberation Front and the North Vietnamese would be prepared to make significant concessions in return for our agreement to the gradual, phased but complete withdrawal of American forces from Vietnam. The immediate solution they are said to favor is the creation of an interim regime representing all of the South Vietnamese factions. The North Vietnamese Government is also on record as being willing to accept a neutralist, independent South Vietnam which they would not seek forcibly to reunite with North Vietnam. The North Vietnamese and the National Liberation Front remain adamant, however, in their opposition to the continuation of the present constitution of South Vietnam, which bars all Communists from participation in the government.

Whether and to what extent the North Vietnamese and the Vietcong are seriously prepared to negotiate a compromise along these lines can only be determined by substantive negotiations. Whether we for our part can accept such a compromise settlement must depend upon how the President, with the advice and assistance of the Congress and the nation, defines the national interests of the United States.

Should it be decided that we can agree to an interim regime and to ultimate total American military withdrawal from South Vietnam without detriment to our national security, then it might also be judged timely to become somewhat more firm in dealing with the present South Vietnamese government. Even now there are important policy differences between the Nixon Administration, which is committed to "Vietnamization," and the Thieu-Ky government. President Thieu recently said, for example, that the withdrawal of American ground combat forces from Vietnam by the end of 1970 is an "impossible goal" and that, instead, "it will take many years" to remove those forces. Even more disturbing was President Thieu's declaration of last June: "I solemnly declare," he said at that time, "that there will be no coalition government, no peace cabinet, no transitional government, not even a reconciliatory government."

Whether and how we take a firmer hand with our ally must depend upon our own vital interests and responsibilities. Neither the President nor the members of this Committee nor the American people would have a single American soldier sacrifice his life for a purpose extraneous to our country's safety and welfare, and surely not for the sole purpose of perpetuating in power the present rulers of South Vietnam. As the President pointed out in his State of the Union Message, our differences are over matters of detail and approach. There are no differences among us about the overriding objective of American foreign policy, which is the safety and welfare of the American people.

Through these hearings we hope to assist the President in bringing to an early end this war which has divided and agitated the American people for the last five years. Only when we are liberated from Vietnam will we be able to work together effectively on such urgent tasks as curbing the still accelerating inflation, stemming the tide of pollution, and all the other long-neglected items on the American agenda. The time has come, as the President said in his state of the Union Message, to initiate the quest for a "new quality of life in America."

Vietnam: The Things That Seem and Those That Are

(Testimony of Senator Charles E. Goodell before the Senate Committee on Foreign Relations, February 3, 1970)

Mr. Chairman, I obviously do not agree with the President's Vietnam policy—although I feel he should be commended for reversing the military escalation so disastrously implemented by the previous Administration and for reducing the level of combat forces in Vietnam.

I fear the path the Administration is taking is fraught with illusion and danger.

We have not Vietnamized the war; we have cosmetized it.

We have painted a happy scene where Saigon prevails while we withdraw. Behind the facade of this Potemkin village, the facts of Vietnam remain as ugly as ever.

Vietnamization has been a great public relations success. Every month, the polls show that more Americans support it. But the war is not a public relations problem.

It is said that the war has been "defused" by the Administration. This assumes the war is something taking place in this country—that it is over when the President's "silent majority" thinks it is over.

The real war—the war going on there, in Vietnam—has not been defused. The Vietcong has not been defused. The powerful North Vietnamese Army has not been defused. Neither has the political and social decay that debilitates the Saigon government and army.

If there is one thing clear in Vietnam today, it is that the overwhelming majority of the people want peace—and that they are governed by a military clique that wants war.

The people of South Vietnam are truly the "silenced majority." It is an illusion to claim we are fighting to preserve the "self determination" of the people.

Vietnam is a hothouse for illusions. The new policy has been wrapped in the same mantle of official optimism that formerly cloaked the old approach of military escalation.

The intractable realities of Vietnam—the vitality and determination of the enemy and the lack of these qualities in our al-

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*Department of Defense Appropriations for 1970, Hearings before the Subcommittee on Department of Defense of the Committee on Appropriations, House of Representatives, 91st Cong., 1st Sess. (Washington: U.S. Government Printing Office, 1969), p. 412.

lies—have made shambles of earlier policies. I fear these realities will do the same to present policies.

I. THE PRICE OF PRESENT POLICIES

Administration not planning true disengagement

The President's plan is not a true policy of disengagement. It is not a covert or delayed version of the complete withdrawal policy I have been urging. It is, at best, a plan to scale down U.S. ground combat activities in Vietnam—although, as the Tet Offensive in 1968 showed, such a reduction is subject to the veto of the enemy so long as substantial numbers of Americans remain.

In recent testimony before this Committee Secretary of State Rogers used four different formulations in describing the Administration plan—formulations which in fact are far from equivalent:

(1) "To permit the people of South Vietnam to determine their own future without outside interference."

(2) "To achieve an end to the American involvement in the war."

(3) "To withdraw all of our forces from Vietnam."

(4) "To lead to an end of the American engagement in hostilities in Vietnam."

While the first three may represent ultimate hopes, there are indications that only the fourth describes the practical, immediate commitment of the Administration. In other words, the Administration has merely adopted a combat reduction strategy, aimed at cutting back American casualties to a level where a continued U.S. presence in Vietnam would be "acceptable" to American public opinion.

The planned troop reductions

According to informed sources, the Administration plans to retain close to 300,000 troops in Vietnam until the beginning of 1971.

Serious consideration is apparently being given to a very small troop reduction during 1971—one that would only bring the level of troops remaining in Vietnam down to about 250,000 by the beginning of 1972.

The Administration also is contemplating the retention of a "residual force" in Vietnam for an unspecified and possibly indefinite period.

The residual force level being advocated by military circles in the Pentagon is 200,000. As the staff report on Vietnam policy released yesterday by your Committee indicates, Americans and Vietnamese officials in Saigon are discussing a still higher figure of 250,000.

The lowest residual force figure that has been quoted is about 30,000, attributed to the Secretary of Defense.

Even a relatively "low" residual force figure of 30,000 represents a permanent commitment larger than the level of U.S. troops in Vietnam at the beginning of 1965—which, according to many observers at the time, compelled President Johnson to escalate under Communist pressure.

Human and material costs

The human and material costs of continuing so large an American presence for so long are totally unacceptable.

The price of present policies will be anywhere from 5,000 to 20,000 Americans dead in the next three years.

The price will be anywhere from 20,000 to 100,000 Americans wounded during that time. A tragic and disproportionate number will be maimed for life.

The price will be anywhere from $40 and $60 billion in that period. These figures must be measured in the opportunities foregone to respond to urgent domestic needs.

No U.S. interest in Vietnam justifies the sacrifice of so many American lives in this seemingly interminable war.

No possible U.S. interest in Vietnam justifies the maiming of so many young Americans.

No possible U.S. interest in Vietnam justifies squandering these huge sums, at the expense of meeting the problems of hunger, poverty, slums, and environmental decay in this nation.

These are the costs of present policies if everything goes according to plan. If it does not, the price will be more staggering still.

And there are reasons to fear that not everything will go according to plan.

II. VERBAL ESCALATION

While abandoning actual military escalation, the President seems recently to have embarked on a course of verbal escalation that has its own grave risks.

The President's threats

On two occasions last year—November 3rd and December 15th—the President has sought to warn the enemy against increasing the level of their activities while we are reducing our forces, saying:

"Hanoi could make no greater mistake than to assume that an increase in violence will be to its advantage. If I conclude that increased enemy action jeopardizes our remaining forces in Vietnam, I shall not hesitate to take strong and effective measures to deal with the situation."

In his press conference last Friday, he very much raised the verbal stakes of his warning, by saying:

"If at a time that we are attempting to de-escalate the fighting in Vietnam, we find that they take advantage of our troop withdrawals to jeopardize the remainder of our forces by escalating the fighting, then *we have the means—and I will be prepared to use those means strongly—to deal with that situation more strongly than we have dealt with it in the past.*"

Threats no deterrent

Given the drastic methods that have been used in past years to punish the enemy, the warning that we are prepared to act "even more strongly than we have in the past" strikes an ominous note of possible re-escalation.

For six and a half years, however, this strategy has not succeeded. There is no reason to expect it to succeed now.

Beginning with the first bombing raids on the North after the Gulf of Tonkin incident, President Johnson sought to dissuade the enemy from attacking our forces by initiating reprisals of increasing severity for such attacks. This strategy was a failure. It did not deter the enemy. It only embroiled us ever deeper in the war.

I cannot see why the enemy will be deterred by President Nixon's threats of reprisal, when it was not deterred by President Johnson's actual reprisals. I cannot see why escalation in words will succeed where escalation in deed failed.

Enemy has the initiative

The unpalatable fact is that the military initiative in Vietnam remains where it always has been—in the hands of the enemy. Our adversaries—not the South Vietnamese or ourselves—control the level and intensity of the fighting.

The Communists continue to be in a position to choose whether to strike, to choose the most advantageous moment to strike, and to choose the manner of striking most deleterious to our policies. This point was aptly made in your Committee staff report, on the basis of recent first-hand observations:

"It seemed clear to us, however, that no one has the slightest idea whether the enemy will attack in force during the time the United States is in the process of withdrawing combat forces in order to accelerate the American withdrawal, shake confidence in the South Vietnamese Government, demoralize the army, and disrupt pacification; whether the enemy will continue the 'high point' pattern until American combat forces are withdrawn and then strike; or whether, even then, the enemy will concentrate on political subversion and competition in preference to a reintensified military effort. Those who hold these various theories appear tacitly to agree, however, that the choice lies with the enemy."

Incentive for enemy offensives

The Administration's plan for retention indefinitely of a "residual force" in Vietnam—and for maintenance of large forces there for the next several years—may well serve as an inducement to the enemy for offensive action. The longer any contingent of American troops remains in Vietnam, the greater may be the incentive on the Communist side to raise American casualties in order to increase domestic pressure in the U.S. for the troops' return.

In a recent article in the *New York Times Magazine*, former Under Secretary of State George Ball suggests one possible scenario for enemy action: North Vietnamese and Vietcong forces would continue the present lull in the fighting until our program for withdrawals had acquired a sustained momentum. Then they would launch a series of major offensives in order to raise the pressure for further withdrawals and undermine confidence in the South Vietnamese army and government.

Psychological impact of enemy action

It should also be borne in mind that future Communist offensives, like the Tet Offensive of two years ago, might undermine our policies even if they do not achieve their military objectives.

Lyndon Johnson claimed that Tet was a Communist defeat. In the strict military sense, he was right—for the enemy was thrown back from the cities with enormous losses. In the much more important sense, he was wrong, for Tet was a resounding psychological and political success for the enemy, demonstrating to the American public the delusions of the old policy of escalation.

The popular success of the new policy rests on its appearance as a relatively painless course: one that permits us to help the South Vietnamese regime defend itself while withdrawing gradually with reduced casualties. It would not be difficult for the enemy to plan and execute a series of offensive actions that would make the policy of Vietnamization seem far from painless.

The unpalatable choices

After making the threats he has, what choices are open to the President if the Communists elect an offensive course?

He has three choices, all of them unpalatable.

He could slow down or stop American withdrawals. This would prolong the American involvement and increase American casualties and costs.

He could carry out his threats and initiate harsh reprisals. This would be a return to the disastrous road of escalation.

He could back down from his threats and continue to withdraw. This would be the most painful and internally devisive way of accomplishing the desirable objective of withdrawal.

III. HANOI'S AND SAIGON'S VETO

The Administration plan gives the North and South Vietnamese governments an absolute veto over our withdrawal and tempts them to exercise this veto.

The President says our troop withdrawals will depend upon three factors: progress at Paris, level of enemy activity, and Vietnamization. Each can be blocked by Hanoi or Saigon.

Hanoi's veto

Hanoi decides whether there is to be movement in the Paris talks. For the past year and a half, it has decided that in the current negotiating context there can be no progress.

Moreover, by retaining our close identification with the military government of South Vietnam and by refusing to commit ourselves unequivocally in the negotiations to the principle of complete withdrawal of all American troops, we have created no inducement for a more flexible Communist negotiating position in the future.

Hanoi and the Vietcong decide upon the level of enemy actions and, for reasons already discussed, our present policies may tempt them to step up this activity.

Saigon's veto

Saigon decides upon Vietnamization. The speed with which South Vietnam can take over the burden of the fighting from American troops depends upon the capacity and morale of the South Vietnamese government.

The recent staff of your Committee points to some of the obstacles to Vietnamizing South Vietnamese forces:

"As far as problem areas are concerned, it is common knowledge that the quality of South Vietnamese Army units is uneven. The desertion rate continues to be high. We were repeatedly told that officer leadership is still a major problem, especially at the middle and lower ranks. There has apparently been little progress in broadening the social base from which officers are drawn and even less in promoting noncommissioned officers . . . Various Vietnamese stressed the continuing problems resulting from the low military pay scales.

"There is still heavy dependence on the United States by South Vietnamese Army combat units. Even the 1st Division, supposedly the best in the South Vietnamese Army, requires massive U.S. support and depends heavily on helicopters, 80 percent of which are American."

In this connection, I would note that a colleague of considerable military background, Senator Goldwater—whose views on the war otherwise are diametrically opposed to mine—has recently returned from Vietnam with his own pessimistic assessment of Vietnamization.

Moreover, Vietnamization faces political hazards that are even more formidable than the military ones.

The Saigon government has been maintained in power for years almost solely by the American military presence. Its political base continues to rest mainly on a small group of army officers and Northern emigres. It has steadfastly refused to permit any participation by perhaps the most important non-communist elite in Vietnam—the Buddhist leadership. It has systematically branded as "neutralists" and "traitors," noncommunists who have not supported a wholly military solution to the war.

The United States has for years been pressing Saigon to "broaden its base." The effort has been an unqualified failure. In a reorganization last year, General Thieu expelled virtually all the civilians from key posts in his cabinet and replaced them with hard-line army officers. Only last week, he proposed a constitutional amendment to bar all communists from participating in future elections—having already barred "neutralists" from participating in the 1967 elections.

If such a regime were able to survive at all after the departure of American forces, it could only do so by undertaking drastic reforms and by permitting the participation in the country's political life of elements that are now completely excluded. The simple truth is that the junta presently has no intention of going forward with this painful process—painful because it would require the junta to share its power with others—since it can cling to the hope of an almost indefinite presence of at least a residual force of American troops.

IV. COMPLETE DISENGAGEMENT

It is time we recognize that this catastrophic war has not been and cannot ever be won.

It is time we perceive that, as I pointed out in 1967, Americans cannot build an Asian society at gunpoint.

It is time we understand that the real interests of our nation in preserving the military junta of South Vietnam are marginal or non-existent; that the human, economic and other costs of prolonging our military presence there clearly outweigh any benefits that could conceivably result from our continued presence.

It is time that we completely and swiftly terminate our military participation in the war, and keep to a minimum any further loss of men, money and prestige.

Essential elements for disengagement

To achieve these objectives, I believe that we must adopt a plan for disengagement that meets the following criteria:

First, it must be a plan for *complete* disengagement of *all* American military personnel, both combat and non-combat. It cannot involve the indefinite retention of a residual force of any size in Vietnam. While we must recognize that there may be some risks attending complete withdrawal, they clearly are less than the risks and costs of any extended troop commitment.

Second, it must set a firm target date for the completion of the withdrawal. Our final disengagement cannot be conditional and cannot be deferred by the decisions of Hanoi or Saigon.

Third, the withdrawal should be accomplished with reasonable swiftness, in order to limit the further loss of American lives and the further disruption of American domestic priorities. A reasonable time should be allowed to enable the South Vietnamese forces to take advantage of an intensive American military training program. If, however, the South Vietnamese do not have the will or the capacity to take advantage of this program, this should not be cause for delaying our departure.

Finally, public disclosure should be made of our intention to withdraw completely and of or proposed termination date. Such disclosure is essential to provide any hope of breaking the stalemate in Paris and, if possible, to induce the South Vietnamese army and government to make the reforms necessary for their survival.

I have endeavored to embody these principles in the bill I introduced last September, now before this Committee—S. 3000, "The Vietnam Disengagement Act."

The time period

In my bill, I selected a withdrawal deadline of approximately one year from the bill's introduction. I did so because I was convinced a year would minimize further loss of lives and at the same time permit an orderly process of withdrawal of American troops and assumption of their functions by South Vietnamese forces. I stand by the timetable then proposed.

Let me emphasize, however, that the most important objective is the establishment of a public commitment to withdraw by a specified date within a reasonably short span of time. It would be tragic, indeed, if agreement on this vital objective were obscured by disagreement concerning the setting of the date a few months earlier or later.

Advantages of a fixed deadline

A publicly announced deadline such as I have been proposing would make certain that after a specified date, no more American soldiers would die in Vietnam. The vain sacrifice of thousands of American lives would be over. So would the waste of tens of billions of dollars. We would, at least, be able to turn our energies and resources from fighting this seemingly endless war to solving some of our own urgent problems at home. We would, at last, have the opportunity to heal the profound divisions the war has opened within our own nation.

A publicly announced timetable will permit the American people to comprehend that there can be no guarantee that Saigon will prevail while we withdraw. It will enable the people to perceive that short of an indefinite American military presence, there can be no certainty of preserving the status quo in Vietnam. It makes it clearly understood that the ability of South Vietnam to defend itself must ultimately depend on the willingness of its own army to fight and of its own government to reform.

A public plan will certainly generate controversy. This, however, is preferable by far to tranquility based on illusion. Under any conceivable plan for disengagement, there are manifest problems and dangers facing South Vietnam. It is better that the American people become aware of these dangers than that they be lulled into happy euphoria, only to suffer a rude awakening—as they did in 1968 after Tet—and a loss of confidence in this government and its institutions.

Notice to the South Vietnamese Government that we are withdrawing our forces within one year will create a powerful incentive for that regime to mobilize its forces more effectively and to seek the political strength of a broadened popular base.

As a foreign intruder, we have polarized the political situation in the South and driven many nationalist elements toward the NLF. Our withdrawal could help foster a depolarization that would create a more favorable environment for negotiations and a genuine political settlement.

The Guam doctrine

In his Guam doctrine, President Nixon redefined the role of the United States in Asian affairs. He established the principle that Asian nations to which we are allied must primarily be responsible for their own defense, especially with respect to their internal security.

Had this principle been applied in 1963, as it should have been, we would never have become ensnared in a land war in Vietnam to preserve an existing government against an essentially iternal uprising.

Mr. Chairman, I suggest that the Guam doctrine is a sound doctrine, that should now be applied in Vietnam in the same manner as the President proposes to apply it to Southeast Asia generally. Applying the Guam principle to Vietnam would mean proceeding with complete disengagement, not merely with troop reduction.

The "Bloodbath" argument

In his November 3rd speech, the President contended that a fixed withdrawal timetable would enable the enemy "simply to wait until our forces have withdrawn and then move in." And he warned the public of the bloodbath that would result.

This line of argument seems at odds with the President's own theory of Vietnamization.

The South Vietnamese army has over a million men under arms. North Vietnamese and Vietcong forces in the South total only about one-fifth this number. American withdrawal may require the South Vietnamese army to adopt a more defensive strategy aimed at protecting populous areas—and to abandon its objectives of controlling the entire countryside. To suppose, however, that such a large force, operating in a defensive role, could simply be destroyed by a relatively ill-armed and much smaller enemy assumes profound debilities in the South Vietnamese Army—and this assumption in turn

would mean that the President's own plan to train the South Vietnamese forces to take over the burden of the fighting would have little or no chance for success in the foreseeable future.

It is difficult to judge whether the Communists would engage in mass reprisals if they were to take control of Vietnam. Communist cadres did so when they seized Hue in 1968—under circumstances of long seige and bloody combat activity. No "bloodbath" of Catholics or other anti-Communists was reported following the Communist assumption of power in the North in 1954. The land reform program implemented in the North during the next two years did involve bloodshed, but the targets were wealthier peasants in rural areas, including many who had fought the French. It is of interest to note that from 1955 to 1961, the French and the Diem regime submitted only 43 complaints to the International Control Commission alleging political reprisals by the Communists in North Vietnam.

A hypothesis has been advanced by a number of Asian scholars that even if the Communists won complete control of South Vietnam they might well find it contrary to their self-interest to initiate large-scale violence against the civilian population. Such action, they suggest, would diminish the Communists' ability to unite the widely disparate elements of South Vietnamese society. Yet there is no way of dispelling great uncertainty about the course of events, and our departure would not end the political violence on both sides that has been going on in Vietnam for the past 25 years.

In arguing this topic, it is essential to remember that the biggest "bloodbath" of all is occurring as a direct result of the war.

To date, more than one million men, women and children have died as a result of hostilities in Vietnam. Since our government began its program of Vietnamization last year, more than 150,000 soldiers on both sides have died. If the war continues for five years more, another million people will die.

"Self-determination"

The Administration has spoken a great deal about "self-determination" for the South Vietnamese people. A primary reason the Administration cites for delaying the American withdrawal is "self-determination." Thus, in a letter dated December 4, 1969, addressed to this Committee, J. G. Torbert, Jr., Acting Assistant Secretary of State for Congressional Relations, states in commenting on my bill:

"Our fundamental, long-standing, and widely accepted goal in Vietnam (is) the assurance of self-determination for the South Vietnamese people. We obviously cannot maintain that goal and at the same time commit ourselves beforehand to the total withdrawal of our troops by a certain date regardless of whether or not that goal has been achieved."

"Self-determination" in this context is a plain deception.

The overriding interest of a clear majority of the South Vietnamese people is peace—to stop the killing, to stop the destruction of the cities, villages and farms of Vietnam.

The overriding interest of the military regime of South Vietnam is war.

It is the war that is the basis of the junta's virtually absolute rule and its (largely corrupt) income. It is the war that gives the narrow clique undergirding the regime an artificially high standard of living based on war profits and commodity imports.

We have long since made the choice of government for the South Vietnamese people. We have done so by supporting with our armies and with enormous sums of money a military regime which is totally dependent on that support, and which suppresses all political opposition. As long as such a narrowly based government remains in power, there can be no real "self-determination" for the silenced majority in South Vietnam.

V. S. 3000

Mr. Chairman, of the various proposals before you, mine is the only one with any operative effect on the Vietnam war.

My proposal is a bill, not a resolution. It is more than a mere request that the President take a specified course of action. It has the force of law. If enacted, it would accomplish its stated purpose of disengaging this nation from this terrible war.

The bill accomplishes its purpose by cutting off funds for the maintenance of American military personnel after the proposed termination date. This is a proper exercise of Congress' power under the Constitution to control the expenditure of tax money. In principle, it operates no differently than would a bill cutting off or restricting the expenditure of foreign aid moneys in a given country.

The Constitution vests in Congress the power to declare war. Surely Congress should share with the President the responsibility for undeclaring a war that never was declared in the first place.

The bill itself would not preclude the United States from continuing to provide South Vietnam with the military supplies, equipment and aid funds that are necessary to match Soviet military assistance to North Vietnam. That is a separate decision to be made by Congress and the President.

The bill would preserve the President's constitutional prerogative as Commander-in-Chief to determine the manner of combat operations and the method of completing the withdrawal of American troops by the termination date.

Our major role in the war began when Congress abdicated its responsibilities in the field of foreign affairs by approving the Gulf of Tonkin resolution.

Last year, Congress took some initial steps in reclaiming these responsibilities by adopting the Commitments Resolution and barring the deployment of combat troops in Laos and Thailand. The enactment of this bill would restore to Congress its proper foreign affairs role.

There is yet another reason why Congress must cease being merely a bystander in this conflict, and assume a partnership with the President in disengaging the nation from Vietnam.

The ending of a major war inevitably involves extremely controversial and sensitive issues—and this is especially true of a war we have not won. If one man—the President, but also the leader of a political party—bears the responsibility of making these decisions alone, there is great danger that division and partisan recrimination will ensue. If this man shares the responsibility with the members of Congress, who represent both parties and a wide spectrum of opinion, the chances of a solution which will command the confidence of the people are much improved.

President Roosevelt at Yalta took upon himself virtually the entire burden of deciding the peace settlement after World War II. The suspicion, bitterness and partisan bickering that followed—typified by the Joseph McCarthy movement in the 1950's—is a matter of history. This time, since the issues are still more delicate, let us be sure the burden is shared.

VI. CONCLUSION

Mr. Chairman, President Nixon opened his November 3rd speech on Vietnam by saying:

"The American people cannot and should not be asked to support a policy which involves the overriding issues of war and peace unless they know the truth about that policy."

I agree with this statement. I agree that the American people should know the truth about our Vietnam policy.

The people do not know the policy now. They deserve to know it.

Secrecy about our real intentions will ultimately confuse ourselves more than it will confuse the enemy.

Secrecy breeds the twin evils of suspicion and illusion.

Secrecy will leave the public totally unprepared if events in Vietnam do not develop as we hope.

Let us seek to inform the public, not to mollify it.

Let us seek a majority that is not merely silent but comprehending. Let us seek a majority that understands more than that described by Nicolo Machiavelli five hundred years ago when he said:

"For the great majority of mankind are satisfied with appearances as though they were realities, and are often more influenced by the things that seem, than by those that are."

[From the FCNL Washington newsletter, October 1969]

WORDS OF PEACE, ACTS OF WAR

(By Edward F. Snyder)

Returning to the United States after two years in Southeast Asia, one finds profound changes in public attitudes toward the Vietnam War, but practically no reflection of these shifts on governmental policies.

The emphasis is still on words of peace and acts of war.

Both the number of troops and the level of casualties in Vietnam were higher in August 1969 than August 1967:

	August 1967	*August 1969*
U.S. troops	464,000	509,600
U.S. killed	535	795

The bombing of North Vietnam has stopped but the bombing of South Vietnam and Laos has increased. Paris is the forum for negotiation, but the rigid positions of the parties has meant that progress is glacier-slow.

American public opinion has shifted fundamentally in two years, rejecting both the President and the Party identified with the war.

Public opinion is also making itself felt in Congress, where more and more members are speaking out and voting against the war.

But while Congress has been responding to public dissatisfaction, the Administration seems more inclined to accept and follow military advice.

CONFUSION OVER POLICY

Never do I recall so much uncertainty and confusion among so many knowledgeable observers about an Administration's position on its number one foreign policy problem.

Is the Administration prepared to accept a neutralist coalition government in Saigon, probably with some NLF participation? Or will it continue to support and accept only an anti-Communist government?

Some argue that the Administration would accept a government in Saigon—friendly, neutral or hostile—provided a certain process of "self-determination" can be worked out.

Thus it is suggested that if the North Vietnamese and the NLF will only indicate that they are ready for some sort of compromise, the U.S. is prepared to "lean very hard" on the Thieu government in order to come to terms.

Others argue that all the available evidence shows no change in U.S. support for an anti-Communist government in Saigon.

They say that the phrase "see it through with Nguyen Van Thieu" accurately describes current U.S. policy. They point to the fact that most of the troop withdrawal schedules now being proposed suggest that there will still be approximately 300,000 U.S. troops in Vietnam in late 1970.

And even if the timetable calls for withdrawal of all ground forces it is suggested

that logistic and air support from outside would continue to be available to the Saigon government.

Washington officials are now optimistic that military security in South Vietnam is increasing and acceptance of President Thieu's government is growing.

All this adds weight to the view that the Administration really hopes for a "Korean-type" solution with a divided Vietnam and a friendly, anti-Communist government firmly in control in Saigon.

SOME GUIDELINES

How can the average person tell the underlying direction of U.S. policy in Vietnam? Here are several questions which may help the individual citizen judge for himself the basic war aims and ultimate goals of the Nixon Administration:

1. *Is there increasing Administration acceptance of a coalition government in Saigon?* An end to the war can only come if there is a government in Saigon willing to reach a compromise solution with the NLF and the North Vietnamese. The Thieu government has said it has no intention of negotiating a settlement, except on its own terms. Therefore the war is likely to continue until the Thieu government is replaced. At present U.S. support for President Nguyen Van Thieu is strong. President Nixon met him at Midway Island in June.

Upon his return to Saigon, Thieu said in a press conference: "From now on those who spread rumors that there will be a coalition government in this country, whoever they be, whether in the executive or legislature, will be severely punished on charges of collusion with the enemy and demoralizing the army and the people."

The Thieu government represents only a narrow segment of the South Vietnamese people. The Saigon Daily News of May 29, commenting editorially on Thieu's unsuccessful efforts to broaden his political base, beyond the army, Catholic minority, and anti-Communists, said, "Thus President Thieu's new ruling front represents most of the major hard-line anti-Communist tendencies. It is a coalition of the extreme right."

President Thieu was elected in Sept., 1967 by less than 35% of the vote in an election in which the two most popular candidates representing peace or compromise positions were ruled off the ballot, and a hitherto unknown peace candidate came in second.

2. *Is there an increasing willingness by the Saigon government to permit dissent?* The Thieu government maintains itself in power in large measure through the use of political repression of neutralists and peace supporters as well as Communist oriented opposition groups.

An eight-man fact-finding team, composed of Rep. John J. Conyers, Jr., Mich., and noted churchmen and lawyers which went to South Vietnam in June, document this policy. (Copies of the Congressional Record excerpts available from FCNL on request.) Saigon's Minister for Liaison with Parliament, Von Huu Thu, confirmed June 20 that 34,540 political prisoners were being held in South Vietnam at that time.

3. *Is there a readiness to modify Article 4 of the present South Vietnamese Constitution?* It states: "The Republic of Vietnam opposes Communism in every form. Every activity designed to propagandize or carry out Communism is prohibited."

The Communists represent some of the forces which have opposed the Saigon government so effectively for so many years.

If they are not included, the fighting and bloodshed will continue. Major discussion of the need to change this provision could herald a change in basic policy in Saigon.

4. *Is the "Vietnamization" policy being abandoned?* To the extent that the Administration continues to support the Thieu government and the "Vietnamization" of the war, it is still pursuing an unattainable "victory" policy in Vietnam, despite the general impression that the U.S. has abandoned that illusory goal.

5. *Is withdrawal of U.S. troops proceeding at a steady and rapid rate?* It is generally accepted that the Thieu government cannot muster sufficient indigenous Vietnamese support for itself and must rely on the presence of foreign troops to sustain it in office. The number of U.S. troops in Vietnam and rate of their withdrawal therefore are major indicators of U.S. intentions.

At the United Nations Sept. 18 President Nixon said, "We are prepared to withdraw all our forces." When Nixon entered office Jan. 20, there were 535,500 American troops in Vietnam.

On June 8 he announced a cut of 25,000 troops. On Sept. 16 he announced a further cut of 35,000 troops. It is expected that by Dec. 15 there will still be about 484,000 U.S. troops in Vietnam.

In political terms the dynamics of the withdrawal process are probably more important than the specific numbers. The current slow rate of withdrawal with the emphasis on Vietnamization suggests hope for a continuing anti-Communist government in Saigon.

On the other hand a steady and continuous rate of withdrawal with a firm commitment to the goal of complete withdrawal could bring about either meaningful negotiations in Paris, or a major reshuffle of the Saigon government in the direction of a more representative, peace oriented group. This could happen even though several hundred thousand U.S. troops were still in the country.

6. *Is there open discussion of the question of asylum?* Sen. George McGovern, S.D., is one of the few public figures so far to urge that the United States take an initiative in granting asylum to Vietnamese who would feel endangered by a compromise settlement.

It is often argued that U.S. troops should remain in Vietnam to prevent a "bloodbath" of reprisals that might occur with a settlement.

His argument, however, is a patent rationalization. It means that the present daily bloodbath must continue indefinitely in order to avoid a possible future bloodbath.

The U.S. government should support proposals for asylum on a humanitarian basis and in order to remove one of the major psychological road blocks to settlement. This can be done under present provisions of U.S. immigration laws.

IN SUMMARY

Most specific, day to day pressures operating on President Nixon call for continuation of U.S. military involvement in Vietnam—pressures generated from the Pentagon, from the battlefield, from Saigon and from Paris.

The siren song that victory is possible if only we persevere another month or another year is strong. It tempts the White House to try to "buy time" and persuade the public and Congress to stop the clamor for peace.

The problem is that the war cannot be ended on terms many consider "honorable." Peace in Vietnam can only be made by the Vietnamese themselves, and any final solution must include the National Liberation Front which is a significant part of South Vietnamese political life.

The deadweight of U.S. military and political support, now committed to one small right-wing segment of Vietnamese opinion, must be removed in order to allow the Vietnamese to work out their own solution.

An increasingly vocal and active opposition seems to be the only way to balance the pressures for continuation and persuade the Administration to take the difficult but necessary steps to end the war.

[From the New York Times, Feb. 5, 1970]

VIETNAMIZATION OF NEGOTIATION

The Vietnam hearings of the Senate Foreign Relations Committee are taking place in the wake of an on-the-spot staff study that emphasizes many previously expressed doubts about President Nixon's policy of Vietnamization.

Despite his recognition of the Paris talks as the preferable route to peace, Mr. Nixon to be turning away from negotiation and toward Vietnamization as the preferred mechanism to achieve American disengagement. This approach raises many questions.

One is whether Vietnamization will end the war or merely perpetuate it while transferring a heavier share of the fighting to Saigon's troops. Another is whether it will terminate the American involvement or merely continue it, by cutbacks, at a level more politically bearable in the United States. A third is whether the Saigon Government and Army really can take over all or a major part of the combat and the innumerable other functions now performed by Americans. The final question is what, if anything, Hanoi and the Vietcong can do or will do to inhibit Vietnamization and, should the program be disrupted, whether a new escalation of the war and of American involvement will follow.

That these are not idle questions but serious dangers emerges repeatedly in the staff report. Despite optimistic briefings about the progress of pacification and the badly battered condition of the Communist military forces, the Senate investigators found enough indications of Communist strength and Saigon weakness to conclude that military and pacification gains are fragile and could be reversed.

Much of the apparent progress appears, in fact, to reflect a shift in Communist tactics from large-unit military offensives back to small-unit guerrilla activity and a strategy of "protracted war." This shift, and a concomitant diversion of North Vietnamese manpower and resources for the time being to internal economic development, is confirmed in the important speech a few days ago by the emerging successor to Ho Chi Minh, Communist First Secretary Le Duan, on the fortieth anniversary of the Vietnamese Communist movement.

The implication is that Hanoi is simply conserving force and biding its time until the United States either withdraws completely or halts its withdrawals after a significant rundown of its forces. In the latter event, the Senate investigators note, a massive North Vietnamese attack could face the United States with the "agonizing prospect" of reversing the process of withdrawal or effecting an accelerated, complete withdrawal "which would be interpreted at home, and probably abroad, as a military and political defeat."

The central issue that emerges is whether there is not a fundamental contradiction between Vietnamization as currently implemented, and bringing the war to a conclusion, which can only be accomplished with Hanoi's consent—which is to say through negotiation.

Initially, the concept of Vietnamization was that American troop withdrawals, by worrying Saigon about its future weakness and Hanoi about the prospect of protracted war, would lead both sides to negotiate. In practice, the reverse seems to have occurred. Hanoi seems prepared for protracted war and convinced of Saigon's ultimate weakness. Saigon—encouraged by the slow rate of American withdrawal, illusions of pacification sucesses, acquisition of advanced arms and American acquiescence in President Thieu's refusal to broaden his Government—feels no compulsion to seek a negotiated settlement.

Re-evaluation of the Vietnamization pro-

gram and a new strategy to revitalize the Paris negotiations are clearly required.

WHITE WATER ADVENTURERS RUN IDAHO'S WILD RIVERS

Mr. CHURCH. Mr. President, the February issue of the National Geographic contains a superb article on a trip down Idaho's rugged and beautiful Middle Fork of the Salmon River—one of the streams in the national wild and scenic river system.

As the chief Senate sponsor of the legislation which established the system, I was deeply pleased that this outstanding magazine, in fascinating text and colorful pictures, captures the mood and drama, not only of the unique Middle Fork, but also of the main Salmon River, known as "The River of No Return."

Two distinguished naturalists and scientists, Doctors Frank and John Craighead, and members of their families, floated the rivers, running wild rapids, fishing, camping along the shore, studying the wildlife, and exploring the wilderness. With my own family, I have made the exciting trip down the Middle Fork, and I know it to be all that the talented Craighead brothers describe.

One major difference between my trip and theirs, however, was that the National Geographic Society Expedition was accompanied by a three-man television crew to film the journey. This will result in an hour-long color presentation by the Society of a "Wild River" program on the CBS–TV network, Tuesday evening, February 10. The film will also show how man has been despoiling the Hudson and the Potomac. The hour-long program may be seen in Washington on WTOP–TV, channel 9, starting at 7:30, and I urge my colleagues to watch what promises to be a fascinating story of this white water adventure in Idaho's magnificent primitive area and a timely documentation of why we need to save our wild rivers.

Mr. President, I ask that the text of the article in the National Geographic be printed in the RECORD.

There being no objection the article was ordered to be printed in the RECORD, as follows:

WHITE-WATER ADVENTURE ON WILD RIVERS OF IDAHO

(By John Craighead, Ph. D., and Frank Craighead, Jr., Ph. D.)

Captain William Clark, scouting the Salmon River in 1805, stared in awe at the frothing canyon torrent—and the Lewis and Clark Expedition veered north to find a safer route through the wilderness.

What would those river-wise explorers have thought of our expedition, launching tiny kayaks and rubber rafts into the turbulent current at Dagger Falls, Idaho? Ahead of our crew of men, women, and teen-agers lay a challenging 190-mile trip.

First we would travel the Middle Fork Salmon, passing through parts of four National Forests that make up the 1,250,000-acre Idaho Primitive Area. Then we would turn west onto the Salmon. Known since pioneer days as the "River of No Return" it cuts one of the continent's deepest gorges.

Now slaloming between the boulders and curlers of our first major rapid, we saw John's youngest son capsize just a hundred feet ahead. How would 14-year-old Johnny react in white water with his world turned upside down?

A paddle blade emerged phantom-like from the seething waters and moved in a sweeping downward stroke. Johnny, sealed in his Kayak by a waterproof skirt, bobbed ride-side up and continued his run with hardly a break in motion.

Suddenly reservations about committing our families to this wild-river adventure were gone. We knew the Middle Fork and Salmon were ours for the taking.

TV TO TELL A WILD-RIVER STORY

We had made many voyages on wilderness rivers of the West, and each new experience had strengthened our efforts to champion the cause of river preservation. Now, after two decades, the concept of saving our wild and scenic waterways had finally flowered as the Wild and Scenic Rivers Act of 1968.

Sections of eight rivers, ranging from Idaho's Middle Fork to the Rio Grande in New Mexico, would be preserved unspoiled for posterity. And 27 others—including the stretch of the main Salmon that we would travel—are to be studied for possible inclusion in the system.

The Wild and Scenic Rivers Act designates how rivers shall be selected and reserved. But it is up to appropriate resource management agencies within the Departments of Interior and Agriculture to develop and implement detailed programs for their preservation. Citizens, acting as individuals or through clubs and community groups, can help by making their interest known and by watching carefully to ensure that adequate measures are taken to save our wilderness streams. Under the act, the public also can choose additional river sections that would qualify, and urge that these,too, be preserved for posterity.

The National Geographic Society, a force in conservation education for more than eighty years, believed the story should be told in a documentary television program. And so this white-water trip had been organized. Our two kayaks and six rubber rafts would be manned along the way by as many as sixteen people, including a three-man television crew.

Perhaps we could be accused of nepotism in choosing the group, for Craigheads predominated. We each have three children—aged 14, 19, and 21. All of them were riding the white water with us.

Both streams we would travel could qualify as wild rivers—by definition, "free of impoundments and generally inaccessible except by trail, with watersheds or shorelines essentially primitive and waters unpolluted." Such rivers are rare in our country today.

It was unseasonably cold for August, that first day on the Middle Fork. The chilling rain that lashed us on the river was falling as snow on the timbered slopes above. At dusk we pitched our shelter tarpaulins on the steep canyon slopes, and soon roaring campfires were burning holes in the darkness, drying our wet clothes just a bit faster than the drizzle moistened them. The boys, working at double time to warm up, had secured the boats and gathered an evening's supply of firewood. Soon Jim Cole, an old friend who had signed on as raftsman and cook, had trout on the griddle and rice in the pot—and the contented look of a man who has established order out of chaos.

Reveling in our self-made comfort, we reviewed the day's events. For 19-year-old Derek, the highlight had been the sight of photographer Baird Bryant deflating his raft in midstream by sitting down with a poorly sheathed knife at his belt. Frank's oldest son, Lance, enjoyed most the opportunity to photograph his cousin Johnny's upset in the rapids.

We fathers were seriously evaluating a problem that lay ahead. The yellow surplus rafts worried us. On previous trips, we had run many rapids with them, but now they were burdened with camera equipment and sound gear. Sluggish, they would be hard to handle, vulnerable to damage in the rapids. And we faced more than eighty rapids on the Middle Fork alone! It was going to be an extended trip, with speed restricted to that of the slowest raft. We decided then to stretch our limited supply of dehydrated food with the natural bounty of stream and forest.

Sleep came early that night. We spread our sleeping bags on the few level spots, then drifted off, lulled by the scent of fir, the patter of rain, and the distant call of a saw-whet owl.

A persistent drizzle bonded sky and river for the next two days, while the photographic crew captured the wild beauty through which we paddled. Finally, at Pistol Creek, we were able to stop and bare body, soul, and equipment to the drying warmth of the sun.

Stops for filming were consuming much of the time we had been able to allocate for the trip. Somehow we must speed up. On the evening of the fifth day, our map showed no difficult rapids ahead, so we decided to break one of our standing safety rules and continue after dark.

With no halts, the miles flowed beneath us, but everyone was keenly aware of the risk involved. It was nearly pitch dark in our canyon, and only a narrow band of stars showed above the rock walls.

Drifting with the current, we listened carefully for sound that would tell us that a rock was splitting the stream, a warning that white water lay ahead. When we called to each other, our voices seemed to cross expanses far greater than the narrow channel.

It was strange, this feeling that the river canyon was at once vast and confining. We strained to hear in the dark, alert to the very tips of our oars and paddles. Two hours of blind travel was enough; we turned our kayaks and rafts and angled toward the shore.

"KEEP TO THE RIGHT OF THE SLICK"

We had covered 50 river miles by now. The boisterous Middle Fork had broadened and deepened; giant Douglas firs and stately ponderosa pines replaced the lodgepole pines and subalpine firs seen earlier. The canyon walls rose even higher as the river cut deep into the mountains.

On the craggy heights above us roamed mountain goat and elk. Occasionally we caught a glimpse of mule deer and bighorn sheep, and golden eagles soared into sight almost daily.[1]

The sixth day out, we reached Tappen Falls. Beaching our boats above it to reconnoiter, we studied the sharp, rugged escarpment that jutted into the river. Foaming water dropped a sheer six feet there. We would have to "line" the four equipment-laden rafts—walk them downstream from shore, with ropes attached to bow and stern. The two kayaks would have to be carried or lined, too. Our lighter Avon rafts could probably run it.

Three of the boys—Derek, Charlie, and Lance—voluntered to man the rafts.

"Keep to the right of the slick," we warned them, for that deep tongue of the current—normally the best route in high water—terminated in a seething caldron.

Lance maneuvered his craft like an expert, and picked the proper route. But Charlie and

[1] For other wildlife and wilderness articles by the Craigheads, see "Sharing the Lives of Wild Golden Eagles," September 1967 GEOGRAPHIC; "Trailing Yellowstone's Grizzlies by Radio," August 1966; "Knocking Out Grizzly Bears for Their Own Good," August 1960; "Bright Dyes Reveal Secrets of Canada Geese," December 1957; "Wildlife Adventuring in Jackson Hole," January 1956; "In Quest of the Golden Eagle," May 1940; and "Adventures With Birds of Prey," July 1937.

Derek dropped precisely into that churning water hole at the foot of the falls. Their rubber craft folded in the middle; then boys and raft disappeared beneath the surface.

To us on shore, it seemed minutes before the raft broke free of the falls' crushing force and surfaced with two breathless boatmen clinging to it. The ducking actually had lasted only seconds. "But I'll remember the bottom of Tappan Falls for a long time," Derek said later with a grin.

Derek and Charles had no monopoly on river thrills. A week later it was 14-year-old Jana's turn.

She and her brother Lance had rowed their raft ahead of us as we approached House Rock Rapids. They planned to pull ashore at the head of the run and photographed us as we entered the white water.

Hastening to get well ahead of us, Lance suddenly found himself caught in the powerful current; it was too late to make the shore. Now he was committed to the roaring water without being able to scout his course—our standard procedure before entering difficult rapids. With unsecured gear bouncing around the raft, he quickly became a busy young man.

Lance began stuffing photographic gear into his camera bag while trying to maneuver the raft into quiet water. Jana, in the seat behind him, tied down other equipment.

Suddenly their raft slipped into the pit of a giant curler which stopped it abruptly and sent the Middle Fork pouring aboard. Lance became even busier then, fighting his half-swamped craft toward a safer channel. Preoccupied with the quarter mile of rocks and white water ahead, he had no time to worry about Jana.

We could see only enough to know that something was wrong. There was a brief glimpse of Lance and the raft disappearing behind sheer rock walls of the twisting canyon, but Jana was nowhere in sight. Was she in the bottom of the raft—or overboard? That question gnawed at all of us during the half hour it took us to work our craft through House Rock.

Finally, a mile below the rapids, a wisp of smoke appeared on shore. There a bedraggled Jana told us her story while she huddled over the fire that Lance had built.

"Suddenly I was in the river," she said: "But Lance didn't know it."

She shivered. "I went under the raft but grabbed the safety line. Ages later, when we were almost through the rapids, Lance turned and noticed me in the water. He tried to reach for me, but I was dragged under the raft again. Finally Lance pulled me aboard."

That lesson at House Rock renewed our caution and our respect for the river.

We cheerfully accepted the rigors of boating. More exhausting was the task of documenting our journey with still and motion pictures. Our television crew exposed more than 40,000 feet of film and recorded 20 hours of sound tape to document white-water thrills, camp incidents, wildlife, and fishing.

The filming had slowed our downriver progress enough to create a food problem; so, after passing House Rock, we decided to devote the rest of the day to foraging. The young members of the expedition headed up the rocky terrain like a horde of hungry locusts.

A LESSON ON HOW TO LIVE OFF THE LAND

Returning from our own fishing expedition, we found Jana and Karen had gathered hawthorn fruits, serviceberries, and chokecherries. Derek and Charles contributed four chukar partridges and three ground squirrels.

Our cutthroat trout were almost ready for the griddle when Lance turned up with a broad grin and a two-foot rattlesnake (page 229). Skinned, cut in sections, and dipped in flour, it went on the griddle to fry alongside the fish.

To round out the menu, we had dug camas roots, a staple food of the Indians who once roamed this area. The sweet, mealy tubers were at a rolling boil, and the berries were simmering when Jim Cole returned with a bucket of freshwater mussels.

Except for those mussels, it was a tasty meal. We steamed some in the shell, boiled others, and even fried some of the boiled ones, but each batch was as tough as shoe leather. Archeologists have found ancient Indian camps littered with empty mussel shells. Those Indians had been hungrier than we, or better cooks.

The chukars—striking, fast-flying partridges native to the foothills of the Himalayas—had been introduced into this perpendicular country by the Idaho Fish and Game Department. They have adapted to their new home, and multiplied, but their success has been greatly aided by cheatgrass, another outsider. Traveling over from Europe in grain shipments before the turn of the century, the weed has invaded the dry slopes and provides the chukars with a year-round source of food. Even wild country undergoes change. With public support, we can keep our wild rivers largely intact, but we cannot hope to keep them completely unaltered.

On previous trips we had floated the lower sections of the Green River in Utah, an appropriate candidate for wild-river status (map page 222). Much of the natural vegetation there has been displaced by tamarisk, a vigorous shurb which may have been brought in by early Spanish explorers. It has become so well established now that it probably can never be eradicated.

The Green River canyon is still beautiful—and chukars do furnish excellent hunting along the Middle Fork and Salmon—but it would be wise to discourage further introduction of exotic plants and animals into our few remaining wild-river areas.

We thought of these things as we traveled for two weeks, ninety-five miles downriver to reach the mouth of the Middle Fork. Before we turned west to tackle the mainstream of the Salmon, we put new neoprene bottoms on our battered surplus rafts and replenished our food supply at the town of Salmon.

Jim Cole, Charlie, Johnny, Jana, and John's wife left for civilization at this point. In their place we welcomed Dr. Morgan Berthrong, his daughter Sonja, and another old friend, Harry Reynolds.

The tumbling waters of the Middle Fork had dropped our party 2,600 vertical feet in less than a hundred miles. We'd descend more gradually—yet more dangerously—on the Salmon. This would be a more powerful river, with large rapids and rougher water. But we knew our sturdy rubber rafts would meet the challenge, and we had complete confidence in our trim 1-foot kayaks.

Perhaps we entered the Salmon with too much assurance. Ten miles downstream, we reached Gunbarrel Rapids—not one of the river's most difficult obstacles. As John ran through, the stern of his kayak struck a rock. The jolt, followed by a slap from the fast current, flipped him over. To his chagrin, John had to swim the length of the rapids.

Shortly thereafter, as darkness crept into the canyon, we pulled our flotilla ashore on a beautiful sand beach flanked by towering ponderosa pines. The current raced past the opposite shore, but on our side of the river a calm, clear lagoon mirrored the incomparable scenery that surrounded us.

By the time the evening shadows had climbed from water to mountaintops, our camp chores were finished. Soon night shrouded our peaceful, slumbering camp. The wheezing hunger call of a young great horned owl sounded from the pines overhead, then the deep, resonant answering hoot of its parent. Few of us were awake to listen.

Pushing on next day, we spotted a small sand bar adjacent to a cliff. Water had long ago carved out a natural shelter that would have met Indian requirements as well as our own. We went ashore to look for artifacts.

Yes, faint soot marks at the top of the shelter told us Indian cooking fires had burned here. When we scraped the cave's floor, we found layers of discarded mussel shells. This shelter could have been used by the ancient mussel-eating tribes, centuries before Christ was born.

We could see that more-sophisticated Indians had used the site, because the walls were marked with pictographs probably drawn in red ocher—earth colored with iron oxide. Perhaps archeologists can interpret those drawings for us some day—but each of us could conjure up imaginative tales from the marks that ancient man had left for us to ponder.

GAME FISH WAGE A LOSING FIGHT

To Indians along the Salmon River, the chinook salmon was an important source of food. Each spring and summer the fish migrated upstream from the Pacific Ocean in countless numbers.

Only a fraction of them complete the trip today. After fighting their way up the fish ladders in Columbia River dams, they face the perils of fishermen and polluted water as they swim through the Columbia and lower Snake Rivers.

The survivors may travel almost to the Continental Divide—to the spawning beds in the headwaters and tributaries of the Salmon River. There, often in brooks no wider than the fishes' length, the journey ends. Female deposit eggs in the fine pebbles, to be fertilized by the males. Then—battered and emaciated—the salmon die.[2]

Along the bank one day we found a huge salmon. Apparently he had worked his way up to the spawning beds, above, and had drifted downstream again, with but a vestige of life remaining. We killed the dying four-foot fish, and opened its atrophied stomach in a fruitless search for a sonar tag.

Scientists are seeking new knowledge about these migratory fish. For years Mr. James H. Johnson, of the United States Bureau of Commercial Fisheries, and a crew of scientists have been implanting sonar transmitters in salmon and steelhead trout. One object is to determine the effect of dams and impounded water on their upstream migration. This, plus tagging and other studies by the Idaho Fish and Game Department, is helping preserve the chinook and the steelhead.

Fur, not fish, first brought pioneers to the Salmon River. Then came prospectors and a few homesteaders. Local place names describe those early days: Starvation Creek, Prospect Ridge, Disappointment Creek. You'll still find miners' cabins and sluice boxes, though no one seriously pans for gold.

Only a few of the original homesteaders remain on the river. Later arrivals, such as Don Smith, caught the gold fever in Depression days. Don arrived in 1930 and spent eight years searching the bars for "color." He, his wife, and two sons run a thriving boating and guide service now.

We met Don on the river, and soon he was teaching young John how to pan for gold. Don gently rocked the gold pan, showing us the color line.

"Things were different when I had to make a living at this," he said. "Some days we couldn't pan 50 cents' worth—but we could live off the land and get by on $200 a year."

The Smiths now run modern jet boats up and down the River of No Return. These boats have had their impact on river life.[3]

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[2] See "The Incredible Salmon," by Clarence P. Idyll, NATIONAL GEOGRAPHIC, August 1968.

[3] See "Shooting Rapids in Reverse," by William Belknap, Jr., NATIONAL GEOGRAPHIC, April 1962.

Even Don, who makes his living with them, admits their unrestricted use could destroy the solitude that his clients come here to seek.

Shining directly up the narrow canyon below Rainier Rapids, the sun turned the river into a ribbon of shimmering gold. We were tired and wet. The sight of Dan Lord's cabin on the river's right bank was a welcome one.

As the rest of us made the boats fast, Frank knocked on Dan's door. It opened, and a huge, bearded man, whom we had known from previous trips on this river, extended his hand.

"Meet the Lord," he growled with a glint in his eye. "Back again, eh? If you wash your feet in this river, you'll always come back!"

Warmed and rested after a brief visit with Dan, we paddled another three miles downstream to Lantz Bar—deposits of sand, gravel, and boulders—are tucked into the canyon walls here and there, well above the flood line, providing a few habitable sites.

Frank Lantz was at the shore to greet us as we beached our boats. At 78 he is still spry and sharp.

We introduced Morgan Berthrong. "Why, that's the fella the eagle clawed," Lantz commented. "He was covered with claw marks in that picture!"

Our old friend was referring to a photograph in a GEOGRAPHIC article we had written in 1940. It showed Morgan's face after a golden eagle had lacerated it while the bird was being banded.

We camped on Lantz Bar that night, and our families plied the homesteader with questions.

"How did I settle here?" he said, echoing Karen's question. "I dunno. Just got this far down the river and stopped. Hardly know why I picked this spot. It was as dried up as them hills, and filled with boulders. Moved some rocks off the place—some rattlesnakes, too—and greened it up. A man can't just sit down in a place like this; got to keep busy.

"I came here first in 1916. Went back to West Virginia in '21, but the river was all I could think of. One day I was seeding oats, and decided. After chores I told dad, 'I'm Salmon River bound.' Been here ever since."

There was respect in our eyes as we waved goodbye next day to this wonderful old man, who had traded the comforts of civilization for more primitive pleasures. We were glad our children had had a chance to meet him.

PULSE RATE RACES IN WHITE WATER

Even an experienced riverman feels excitement, exhilaration—and often apprehension—when running white water. Because we wanted to see how those emotions would alter a human heart rate, we included an electrocardiograph in our gear.

Just above Salmon Falls, we attached the transmitter to Dr. Berthrong and fastened the electrodes to his chest. The doctor would ride as a passenger with John through Salmon Falls, while Frank remained on shore to monitor the signal on an oscilloscope.

Morgan's heart rate was 64 beats per minute before the run. It rose to 76, then 80, as John approached the white water. In the worst of the rapids, Morgan's pulse rate reached 112.

This unusual exhilaration, coupled with pride of achievement, is reason enough for men to seek the challenge of wild rivers.

Another item of scientific equipment in our gear was a Gardner Small Particle Detector, designed to measure condensation nuclei in the atmosphere. A count of submicroscopic particles recorded by the device provides a measure of air pollution.

We had used the counter in other wilderness areas—even here on the Salmon during a winter float trip. Our readings went to Dr. Vincent J. Shaefer, renowned atmospheric scientist at the State University of New York at Albany, where he is conducting a comprehensive study of air pollution.

Particle counts along wild, unmodified rivers are important; they are part of a comparative base against which the air of our cities can be judged now and in the future.

The comparison is interesting and depressing. Our readings on the Salmon averaged 1,000 particles per cubic centimeter of air. Atmospheric counts in busy cities can run 250 times as high—a noteworthy indication of our deteriorating urban environment.

Sixty-six miles down the Salmon from the Middle Fork, the canyon walls rise steeply. Stretches of deep, relatively slow-moving waters are interspersed with the rapids. It reminded us of the gorge of the Potomac that we knew as youngsters some thirty years ago.

In those days, the river in that area—less than twenty miles from the heart of Washington, D.C.—was a clear-running stream. Peregrine falcons hunted over the gorge. Racoons, red and gray foxes, and mink were common sights. Bald eagles nested in the large sycamores of the islands.

Fishing was fabulous. The big sturgeon had already disappeared from the Potomac—a forecast of changes to come—but we caught plenty of smallmouth black bass and channel catfish. Each spring, shad and herring moved up from tidal waters to spawn, and were snagged and netted by the thousands.

The deterioration there today is disheartening. Fishing has suffered. The clear water we used to swim in and drink now smells of sewage and industrial refuse. It was this progressive destruction of the Potomac and other cherished rivers that stimulated us to try to help save the few remaining pristine streams.

NEW LAW ONLY A FIRST STEP

After 23 days afloat, we beached our boats on a sloping sand bar and crawled into sleeping bags for the last time.

Close to our ears ran the river, whispering of things we had seen and done. It spoke of fighting fish, hooting owls, and frolicking otters, of the steady dip of oars and paddles, sore muscles, blistered hands, and tired bodies. It was comforting to think that this unique natural area, with its vast diversity of plant and animal life, could be forever protected by the Wild and Scenic Rivers Act.

This act of Congress, signed into law on October 2, 1968, provides the means—"It is hereby declared to be the policy of the United States that certain selected rivers of the Nation . . . shall be protected for the benefit and enjoyment of present and future generations."

Recognizing the accelerated pace of environmental degradation and the rapid exploitation of our resources, Congress went on to promise that "Every wild, scenic or recreational river in its free-flowing condition, or upon restoration to this condition, shall be considered eligible for inclusion in the national wild and scenic rivers system. . . ." Thus the Salmon River qualifies.

PUBLIC SHOULD EXPRESS A CHOICE

Problems will arise, however, for there are other interests that conflict sharply with the preservation concept. Special interest groups can make legitimate claims on the water, timber, and mineral resources of the areas. Because our wild rivers are so precious, we should weigh those claims carefully—balance them against the cultural, esthetic, recreational, and scientific values that derive from an unspoiled river. And then the public must express its choice, acting through civic and conservation groups, and by making its wishes known to Congress.

All of us lying there on the sand bar beside the Salmon fervently believed that a substantial stretch of this wild river should be held in trust as a place where men could seek adventure, find freedom, meet physical challenges, and escape from the pressures and complexities of urban life.

Next day we came ashore near Wind River Pack Bridge, about twenty miles above Riggins, Idaho. Our 190-mile voyage was over. As air hissed out of our deflating rafts, we were already talking of future float trips. For our families hadn't seen all of the Salmon's beauty; some stretches farther downstream, we know, are as spectacular as the ones we had just navigated.

Perhaps we will take another two-family flotilla down there. If not, our children will run the Salmon on their own, for all of them are capable river travelers now. It has been satisfying to watch them pit their growing skills, strength, and endurance against the water and the wilderness.

With public interest and support, the few remaining pristine rivers can be saved, so that each generation can experience the natural environment that has shaped man down through the ages. A sojourn in unmarred wilderness country gives a perspective that is desperately needed in our rapidly changing world.

FEDERAL WATER POLLUTION CONTROL IN THE WASHINGTON METROPOLITAN AREA

Mr. MATHIAS. Mr. President, President Nixon's Executive order of February 4, directing all Federal agencies to comply with air and water quality standards by December 31, 1972, is an important and timely initiative. Following closely the appointment of the Environmental Quality Council, this Executive order underlines again the President's commitment to making the Federal Government an effective leader in the national battle for a better and cleaner environment.

The Washington metropolitan area is one crucial arena in the campaign to eliminate pollution from Federal installations. Such efforts in the Potomac Basin are doubly significant, both because there is a relative concentration of Federal facilities here and because the Nation's Capital—as so many of us have urged so often—ought to stand as a model for the entire Nation.

In September 1967, I released the results of surveys taken by the Federal Water Pollution Control Administration between 1964 and 1967 at 10 Federal installations in the Washington area. These surveys showed that each of the 10 installations was discharging inadequately treated sewage or industrial wastes into the Potomac River or its tributaries.

Last summer I surveyed the same Federal installations again, to determine their progress toward correcting the problems reported by FWPCA 2 years earlier. I also asked for reports on the installations' progress toward meeting the very high performance standards and construction timetables set by the third session of the Washington Area Enforcement Conference in April 1969.

It was very encouraging to me to learn that substantial progress has been made in the past 2 years. The 10 Federal installations covered by my survey have invested a total of at least $1,909,369 in water pollution control projects since 1967. These expenditures range from the construction of large secondary sewage treatment plants at Quantico and Indian Head to operational improvements and small projects at other facilities.

I also discovered, however, that there

is a significant amount of work remaining, particularly to bring all of these installations into compliance with the Enforcement Conference's stringent standards. The largest projects planned for the immediate future will be advanced treatment facilities to serve the Pentagon, Andrew Air Force Base, and Fort Belvoir. Not including the Pentagon project, for which GSA cost estimates were not available last fall, these planned expenditures will exceed $4,761,000.

It is worth noting that these major construction projects will have to be accelerated if the Pentagon, Andrews AFB, and Fort Belvoir are to meet the President's deadline of December 31, 1972, for compliance with the applicable water quality standards. Under the Enforcement Conference schedule, for example, one advanced treatment plant at Andrew AFB is to be operational by January 1, 1973, the other not until July 1, 1973. The deadline for the Pentagon plant under the Enforcement Conference is August 1, 1973, but GSA advised me last fall that—

To date we have not made the engineering studies necessary to determine the total scope of this project or our capabilities to meet this schedule.

Finally, the Army advised me that "the earliest practicable operational date" for the completion of construction at Fort Belvoir would be January 1974, 5 months behind the conference timetable and a year later than the deadline in the Executive order.

I hope that the Executive order will give greater momentum to these projects, and that every effort will be made to meet the President's deadline in the Washington area. While the standards involved are high, the need is great and the potential benefits to the Potomac Basin and the Nation are enormous.

Mr. President, I ask unanimous consent to have printed in the RECORD a staff report summarizing the results of my survey of pollution control efforts at Federal installations in the Washington area.

There being no objection, the survey was ordered to be printed in the RECORD, as follows:

SURVEY OF FEDERAL INSTALLATIONS CONTRIBUTING TO POTOMAC RIVER POLLUTION IN THE WASHINGTON METROPOLITAN AREA, JANUARY 1970

INTRODUCTION

In August 1969 Senator Charles McC. Mathias, Jr., surveyed major Federal installations in the Washington metropolitan area to determine their progress toward controlling the Potomac River pollution which these installations have generated in the past. This report summarizes the responses submitted by the various agencies involved.

In September 1967, then-Congressman Mathias had released the results of surveys conducted at 10 Federal installations between 1964 and 1967 by the Mid-Atlantic Regional Office of the Federal Water Pollution Control Administration. These surveys showed that each of the installations was contributing inadequately treated domestic or industrial wastes to the Potomac River or its tributaries. In each case corrective recommendations were made by FWPCA.

In April 1969, new standards of performance and timetables for necessary construction were established by the Third Session of the Potomac River—Washington Area Enforcement Conference. These standards covered all major waste treatment plants in the Washington area, including those at several Federal installations.

In his August 1969 survey, Senator Mathias asked each agency involved for a report on its progress toward correcting the problems identified in the earlier FWPCA surveys. In addition, those facilities included in the Enforcement Conference report were asked to summarize their progress toward meeting the Conference standards and timetables.

1. Washington Navy Yard, Naval Station and Anacostia Annex (Washington, D.C.)

The April 1967 FWPCA survey identified several sources of pollution of the Anacostia River and the Potomac estuary. Untreated domestic wastes totaling around 2500 gallons per day were being discharged from the SEQUOIA, the yacht of the Secretary of the Navy; a Naval Reserve training ship, and a nearby boathouse. Overflow from a sluice pit at the Navy Yard was discharging substantial quantities of ash residue and chemicals from boiler blowdown through a storm sewer into the Anacostia, reportedly causing the river bottom in this area to rise several feet in recent years. Pollution from five automobile wash racks was draining directly into the Anacostia. The Naval Station provided inadequate treatment for sewage from its picnic area and guard house.

In a September 1969 report to Senator Mathias, the Navy Department listed several corrective actions:

(a) Water pollution problems originating at the power plant will be solved by converting the plant from coal to oil or gas. Such conversion will also curb air pollution problem. The fuel conversion project is being developed for funding during fiscal 1972. No cost estimate was given.

(b) Storage tanks were installed during fiscal 1969 at the picnic area and guard house at a cost of $8200. These tanks, pumped out periodically by a local contractor, completely eliminate discharge into the Anacostia from these facilities.

(c) The discharge of inadequately treated wastes from the SEQUOIA was halted by the installation of a macerator-chlorinator system early in 1968. A study is currently underway to develop adequate treatment methods for all naval vessels.

In regard to the automobile wash racks, the Navy advised that "since the use is limited and no commercial detergents are used it is felt that this is not a source of pollution to the river."

2. Marine Corps Development and Education Command (Quantico, Va.)

The October 1964 FWPCA report cited several problems. These included the absence of secondary treatment at the plant serving Brown Field, with an estimated flow of 86,400 gpd; inadequate treatment of wastes from areas served by septic tanks; discharges of oil and grease into the Potomac from wash racks; and discharge of raw sewage from various docks.

In its September 1969 report to Senator Mathias, the Navy Department listed the following corrective steps:

(a) Construction of secondary sewage treatment facilities for Brown Field and facilities for elimination of the oil and grease discharges from the wash racks was completed in July 1969 from a f/y 69 appropriation of $593,000.

(b) The septic tanks were connected to the Brown Field sewage treatment plant at a cost of $13,369.

(c) Discharges from the docks were discontinued.

3. Naval Weapons Laboratory (Dahlgren, Va.)

The February 1967 FWPCA report showed that 20 of 22 septic tanks, with a combined flow of 10,000 gpd, provided inadequate waste treatment, and the installation's secondary sewage treatment plant was operating above capacity.

The Navy's September 1969 report stated that construction of secondary sewage treatment facilities is programmed for fiscal 1971 at a cost of $380,000. The project is intended to comply with Virginia water quality standards for discharges into shellfish waters.

4. Naval Communications Station (Cheltenham, Md.)

A January 1967 FWPCA showed that the base's secondary treatment plant was overloaded and had some operational and maintenance problems. In April 1969 the Enforcement Conference recommended that this plant either be connected to a municipal system, or be upgraded to provide nutrient removal.

The Navy's September 1969 report stated that negotiations have been initiated with the Washington Suburban Sanitary Commission, which is studying a plan to extend a sewer line through the Navy's property. Connecting to this line is estimated to cost about $90,000 plus about 22¢ per thousand gallons treated thereafter. A budget request will be made when negotiations with WSSC have been completed.

5. Naval Ordnance Station (Indian Head, Md.)

A February 1967 FWPCA report showed that none of the estimated 192,300 gpd of domestic sewage at this base was receiving adequate secondary treatment. About 155,000 gpd received only primary treatment. About 7800 gpd was discharged raw.

In 1968 the Navy received $926,000 to improve treatment facilities at an existing plant and to construct two new plants. This construction was completed in autumn 1969.

6. Andrews Air Force Base (Prince Georges County, Md.)

A July 1964 report showed several sources of industrial wastes, including aircraft washracks which were discharging insoluble oil and grease, and boiler blowdown water which contained ash and mineral residues. In regard to domestic waste treatment, the Enforcement Conference recommended that compliance with advanced treatment standards be attained through construction scheduled for completion on July 1, 1973.

An August 1969 Air Force survey of industrial waste control at Andrews AFB summarized a number of corrective steps completed, totaling $78,200; additional work under contract, totaling $19,000; and work planned totaling $40,500, for a total investment of $137,700. These projects are intended to resolve most problems caused by industrial wastes.

The Air Force report noted the "controversy" surrounding the operation of the Air Force wash racks. Test results by the Air Force and the State of Maryland do not agree, with the state's tests showing a far higher degree of pollution from this facility. A cleaning compound recommended by Maryland has not been identified by the Air Force. Improvements in the wash rack's operations are planned by the Air Force.

The discharge of fly ash and other residues from the boiler will be resolved by conversion of the central heating plant from coal to oil. This work was to be completed by November 1969 at a cost of $219,300.

In regard to the Enforcement Conference standards, the Air Force advised Senator Mathias in September 1969 that the treatment levels proposed are realistic in terms of present technology, and that the timetable for construction can be met at a minimum capital cost of $2,000,000. The Enforcement Conference ordered Plant No. 1 to be in operation by July 1, 1973, and Plant No. 2 by January 1, 1973. Pilot studies are now under way. The Air Force is also exploring the possibility of connecting to the WSSC sewer system.

7. Fort Washington National Park (Prince Georges County, Md.)

A July 1967 FWPCA report showed that effluents from four septic tank-sand filter systems were being discharged into gullies leading to the Potomac, in areas where children may play. The effluents, although otherwise treated, were not being chlorinated.

The National Park Service reported to Senator Mathias in September 1969 that chlorination of all four systems has been provided at a total cost of $2,000.

8. National Zoological Park and stables (Washington, D.C.)

A 1966 FWPCA survey showed that 75% of earlier pollution discharges to Rock Creek had been eliminated, but remaining problems included the duck ponds and the lion and monkey houses. The Edgewater Stables operated by the National Park Service also discharged wastes to Rock Creek.

As part of the Zoo's ten-year pollution control program, a filtration-recirculation system has been installed in the duck ponds and additional connections with the D.C. sewer system have been made. Metro system construction required the relocation of the stables and pollution will be controlled at the new location.

9. GSA Virginia heating, refrigeration and sewage disposal plant (The Pentagon)

An FWPCA report in 1967 concentrated on the lack of secondary treatment for boiler blowdown. The Enforcement Conference in April 1969 recommended major improvements in sewage treatment levels and set a deadline of August 1, 1973, for the completion of necessary construction.

In September 1969 GSA advised Senator Mathias that the boiler blowdown had been connected to the sanitary sewer at a cost of $3500. Additional operational improvements planned for the present sewage disposal plant totaled $50,500.

In regard to the Enforcement Conference schedule, GSA stated that the technological standards appeared to be attainable. In regard to timetables, however, GSA advised Senator Mathias in October 1969 that "to date we have not made the engineering studies necessary to determine the total scope of this project or our capabilities to meet this schedule." Cost estimates had not yet been developed but GSA hoped to include the project in the fiscal 1972 budget. The Enforcement Conference deadline is August 1, 1973.

10. Fort Belvoir (Va.)

The Enforcement Conference recommended major upgrading of sewage treatment at Fort Belvoir to meet the overall standards adopted at the Conference.

In September 1969 the Army advised Senator Mathias that the present state of technology "lacks information on optimum methods of providing for tertiary treatment" as recommended by the Conference. The Army was awaiting the findings of demonstration projects being conducted by FWPCA.

The Army further stated that the Enforcement Conference timetable, which called for the completion of construction at both plants by August 1973, "is not completely realistic" and stated that, subject to the FWPCA studies, leadtime of about four years appeared necessary. "The earliest practicable operational date" cited was January 1974. A rough cost estimate of $2.2 million was provided. As an alternative, the Army was exploring the possibility of connecting with a local treatment plant.

CONCLUSIONS

According to the reports summarized above, Federal installations in the Washington metropolitan area have invested at least $1,909,369 in pollution control during the past two years. Additional projects scheduled or being planned will total more than $4.5 million in the next three fiscal years, not including the cost of major improvements in the Pentagon sewage treatment plant for which no cost estimates are yet available. (See attached summary.)

From these reports, it appears that the installations involved have responded with reasonable speed to most of the FWPCA's recommendations for controlling pollution from industrial sources. Continuing inspections and oversight by FWPCA will be required, however, in all cases.

The challenge of providing fully adequate sewage treatment at these installations has been complicated and somewhat prolonged by the Enforcement Conference's agreement on treatment standards significantly higher than those in force prior to April 1969. Since most of the agencies which operate major treatment plants are still reviewing alternatives, it is still difficult to predict whether the Enforcement Conference's schedules for construction can be met.

Although these Federal installations generate a relatively small portion of the total pollution of the Potomac estuary, their anti-pollution efforts are extremely important as hard evidence of the government's commitment to cleaning up the Potomac. While a substantial amount of work remains to be done, the progress reported during the past two years is very encouraging.

SUMMARY OF REPORTED INVESTMENTS IN POLLUTION CONTROL AT WASHINGTON AREA FEDERAL INSTALLATIONS, JANUARY 1970

Installation and projects	Costs through fiscal year 1970	Estimated future costs
1. Washington Navy Yard, Naval Station and Anacostia annex: Projects completed	[1] $8,200	----
Power plant conversion (fiscal year 1972)	----	[2]
2. Marine Corps, Quantico: Treatment plant construction	606,369	----
3. Naval Weapons Laboratory: Treatment plant construction (fiscal year 1971)	----	$380,000
4. Naval Communications Station: Connection with WSSC	----	90,000
5. Naval Ordnance Station: Treatment plant construction	926,000	----
6. Andrews Air Force Base: Control industrial wastes	97,200	40,500
Heating plant conversion	219,300	----
Treatment plant construction	----	[1] +2,000,000
7. Fort Washington National Park: Improvements in septic tanks	2,000	----
8. National Zoo: Various improvements	[2]	----
9. Pentagon Plant: Various improvements	3,500	50,500
Treatment plant construction	----	[2]
10. Fort Belvoir: Treatment plant construction	----	2,200,000
Total reported	[1] 1,909,369	[1] 4,761,000

[1] Incomplete.
[2] Not reported or not available.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business? If there be no further morning business, morning business is closed.

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS OF 1969

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the unfinished business.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The BILL CLERK. H.R. 514, to extend programs of assistance for elementary and secondary education, and for other purposes.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from West Virginia?

There being no objection, the Senate proceeded to consider the bill.

ADDITIONAL COSPONSORS OF AMENDMENTS NOS. 471, 472, 473, 474, AND 475

Mr. ERVIN. Mr. President, I ask unanimous consent that the names of my distinguished colleague from North Carolina (Mr. JORDAN) and the distinguished senior Senator from Georgia (Mr. RUSSELL) be made cosponsors of my amendments Nos. 471, 472, 473, 474, and 475 to the pending bill. These amendments undertake to make freedom of choice the law of the land and thus to insure to parents of schoolchildren of all races equality of freedom.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, what is the pending business, precisely?

The ACTING PRESIDENT pro tempore The pending business is the Dominick amendment No. 482 to H.R. 514.

Mr. BYRD of West Virginia. I thank the distinguished presiding officer.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the pending amendment offered by the Senator from Colorado (Mr DOMINICK) be temporarily laid aside.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT NO. 461

Mr. ANDERSON. Mr. President, I call up my amendment No. 461, for the relief of St. John's College in Santa Fe, N. Mex.

The ACTING PRESIDENT pro tempore. The amendment will be stated.

The bill clerk read as follows:

On page 217, add at the end thereof the following:

"RELIEF OF SAINT JOHN'S COLLEGE

"SEC. 809. In determining whether Saint John's College at Santa Fe, New Mexico, may receive or retain basic college library grants under title II of the Higher Education Act of 1965, the Commissioner of Education is authorized and directed to exclude from the computation required pursuant to sections 202 (a) and (b) of such Act (relating to maintenance of effort by such college with respect both to total library purposes and to the purchase of library materials), the sum of $12,000 representing extraordinary book purchase expense incurred by such college in fiscal year 1965 in the establishment of a library in the college's initial year of operation."

Mr. ANDERSON. Mr. President, I appreciate very much the cooperation and assistance of the able Senator from Rhode Island (Mr. PELL), as well as that of the majority leader and the minority leader.

This amendment will place Saint John's College on a par with all other colleges in applying for college library grants under the Higher Education Act.

Library expenditures for fiscal year 1965 are used by colleges as a basis in meeting maintenance of effort requirements in the library grant program. Saint John's, however, is unable to meet its maintenance of effort requirement using fiscal year 1965 expenditure figures. This is because fiscal year 1965 was the first year of operation for this major educational institution. The statutory language involved fails to provide for $12,000 of extraordinary one-time reference work costs which Saint John's incurred in fiscal year 1965. As a result, Saint John's is credited with a fiscal year 1965 expenditure base $12,000 larger than its normal $8,154 expenditure.

My amendment will remedy this unique and obviously inequitable situation.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from New Mexico.

Mr. JAVITS. Mr. President, I have read this amendment with great interest. I understand that, for all practical purposes, it represents a private bill to correct an injustice which has resulted to a constituent of the Senator from New Mexico (Mr. ANDERSON). If it is clearly understood as that, I have no objection to it. This is an education bill, and I would assume that, like other bills, it is capable of accommodation to this kind of situation. So I have no objection.

Mr. ANDERSON. Mr. President, I appreciate the attitude of the Senator from New York, as well as that of the manager of the bill.

Mr. PELL. Mr. President, in connection with this amendment, I think perhaps it is something more than just a private bill, because the situation results from the punctiliousness with which St. John's College, which has campuses both in New Mexico and in Maryland, complied with the requirements of the original act, and for that reason they find themselves in an untenable situation.

I am very glad that the ranking minority member approves of this amendment, from the point of view of his side. I do also, and very much hope it will be agreed to.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from New Mexico.

The amendment was agreed to.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Colorado (Mr. DOMINICK).

AMENDMENT NO. 484

Mr. EAGLETON. Mr. President, I ask unanimous consent that the Dominick amendment be temporarily laid aside, so that I may call up amendment No. 484.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The amendment will be stated.

The bill clerk proceeded to read the amendment.

Mr. EAGLETON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. EAGLETON's amendment (No. 484) is as follows:

At the end thereof add the following new section:

SEC. 810. Section 4(a) of the Cooperative Research Act (Public Law 83–531) is amended by striking out "July 1, 1970" and substituting in lieu thereof "July 1, 1974," and by striking out "July 1, 1971," and substituting in lieu thereof "July 1, 1975."

Mr. EAGLETON. Mr. President, this amendment is offered on behalf of myself and the Senator from Texas (Mr. YARBOROUGH). The amendment would extend the authorization for construction funds for regional education research laboratories for another 4 years. This authorization would otherwise expire on July 1, 1970.

One hundred million dollars in construction money was authorized for the 5-year period beginning with fiscal year 1966. This amendment would not increase the authorization but merely extend it for another 4 years.

Appropriated for construction $32.4 million, but $11.3 million of this has been impounded by the Budget Bureau. Continuing the authorization would permit the money to be spent for construction of these facilities if the impounded money is released. There is a good chance that HEW will request the Budget Bureau to release the remaining funds in fiscal 1971. Unless the authorization is extended, however, the only applications that could be funded would be those filed prior to July 1 of this year.

These laboratories provide a valuable service to education by working to develop testing alternatives to traditional teaching methods. They are devoted to testing, in actual teaching situations, educational research ideas. The laboratories develop all materials that might be needed to implement those ideas found to be workable through the testing.

There are now 15 research laboratories across the country. Prior to making a construction grant, the Office of Education makes a 5-year projection of the kind of work that the laboratory is expected to do during that period. In other words, construction funds are not granted unless there is a reasonable likelihood the laboratory is going to be operating effectively in the foreseeable future.

Such projections have been made for the laboratories in Austin, Tex.; Los Angeles; and St. Louis. The Los Angeles application has been approved but not funded because of the budget freeze. Approval of the St. Louis and Austin applications has been held up pending a lifting of the budget freeze.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. EAGLETON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded, so that I may add something to my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. EAGLETON. I ask unanimous consent that a statement of Senator YARBOROUGH be printed at this point in the RECORD.

Mr. BYRD of West Virginia. What was the request?

The ACTING PRESIDENT pro tempore. Will the Senator repeat his statement?

Mr. EAGLETON. It is with respect to a prepared statement of Senator YARBOROUGH.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR YARBOROUGH

Mr. YARBOROUGH. I wish to endorse the amendment offered by the Senator from Missouri, Mr. Eagleton. It will extend for 4 years the authorization for Title IV, section 4(a) of the Cooperative Research Act. This section presently authorizes $100 million for construction of facilities for educational research, but it expires June 30, 1970.

Great sums of money are being spent by all levels of government for education. It is urgent that we maintain the research and evaluation that will tell us whether the money is being spent effectively. The Southwest Educational Development Laboratory in Austin, Texas, is among those seeking funds for construction under this section of the law. Its application is not subject to the expiration date of June 30, 1970, but the withholding of appropriated funds has had the effect of "freezing" this and other applications. Should the authorizing legislation be allowed to expire, the chances are lessened that this money will be released at all.

These institutions all over the Nation deserve to complete their building plans. I urge that we extend this provision for 4 years so we may have the benefit of the educational research and evaluation that these laboratories will conduct.

Mr. PELL. Mr. President, for the record, I would like to ask the Senator from Missouri what would be the cost of the full authorization.

Mr. EAGLETON. One hundred million dollars in construction money was authorized for the 5-year period beginning 1966, and this authorization would be continued for an additional 4 years—the same amount.

Mr. PELL. A total of $100 million?

Mr. EAGLETON. Yes, for the 4-year period.

Mr. PELL. Also, I think the record should show the reason why it should be attached to this bill at this time.

Mr. EAGLETON. The pressing reason for its attachment at this time is that, unless this authorization is continued, it will expire by July 1 of this year, and those applications which are not approved as of that date will go by the board.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. EAGLETON. I yield.

Mr. JAVITS. Has any money been used

for this purpose at all, under this authorization?

Mr. EAGLEON. Thirty-two million four hundred thousand dollars has been appropriated for construction.

Mr. JAVITS. And used?

Mr. EAGLETON. Twenty-one million dollars, I am told, has been used in construction.

Mr. JAVITS. When was the last construction under this, and has it been completed? In other words, are we dealing with a situation of lack of completion?

According to the facts, $11.4 million of an appropriation of $32.4 million remains unobligated at the beginning of fiscal 1970. The question is, Is it available for obligation, or will it terminate as of the end of the fiscal year?

Mr. EAGLETON. It is my understanding that the $11.3 million impounded will terminate at the end of the fiscal year.

Mr. JAVITS. Is the $11.3 million that has been impounded necessary to complete any of the work for which money actually has been spent?

Mr. EAGLETON. No; it is not necessary to complete any project now underway. It would be necessary for additional projects, not yet undertaken.

Mr. JAVITS. Mr. President, I have not been able to get the ideas of the department or of the whole minority upon this matter, and I am poking in the dark. I would be unable to accept it, although personally I am sympathetic to it, until I found out.

Mr. President, I suggest the absence of a quorum, unless the Senator wishes to speak further.

Mr. EAGLETON. No.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. NELSON in the chair). Without objection, it is so ordered.

Mr. JAVITS. Mr. President, my first impression of this matter is favorable but it is only my first impression. This is a matter upon which there was no testimony. It may very well be in order. It was included in the elementary and secondary school bill 4 years ago and could properly be considered. But, I need to check on the matter further with the Department. To give me the opportunity to do that, I would greatly appreciate it, as I do not wish to oppose something I know very little about, if the amendment could be momentarily laid aside with the opportunity to come back and call it up in a short time.

The PRESIDING OFFICER. Does the Senator from Missouri withdraw his amendment?

Mr. EAGLETON. I withdraw my amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

The question now reverts to consideration of the Dominick amendment.

Mr. JAVITS. Mr. President, I am sure that we can dispose of this matter before the Dominick amendment. I understand that the Senator from South Carolina (Mr. HOLLINGS) may wish to make a speech which will take a little while; thus, to give him due notice, unless other Senators wish to speak, I again suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. Mr. President, the Elementary and Secondary School Act is now under consideration, and the amendment of the Senator from Colorado (Mr. DOMINICK) is pending. In the overall context of the Elementary and Secondary School Act and how it applies, I would address my remarks in the main to the two amendments of the Senator from Mississippi and myself which relate to the freedom of choice provisions of the New York law being enacted into the Federal law and as to its uniformity of application.

I refer to the New York law in its freedom of choice, with full appreciation for the background upon which the Supreme Court acted in the Alexander case.

It was back in 1952, during the original arguments, that the then Justice Frankfurter stated that it would be bad if the court made a decision and then have it evaded by trickery.

Obviously, over the past several years, the freedom of choice by an individual in attendance at public schools has been looked upon as part of that trickery. It may go without saying that while the court would resent and refute trickery—and certainly I do not countenance it——

Mr. BYRD of West Virginia. Mr. President, the Senate is not in order. Would the Chair instruct staff members to take their seats and remain in them?

The PRESIDING OFFICER. The Senate will be in order and staff members will take their seats.

The Senator from South Carolina may proceed.

Mr. HOLLINGS. Mr. President, the point I am making, and which I emphasize, is that the Court has authority to interpret the Constitution and the statutory laws as enacted by Congress, but it has no authority whatsoever to enact its own.

While there may be, as I state, in the judgment of others, trickery being employed under the guise of freedom of choice, that does not enlarge the Court's powers by judicial fiat to define what they now term a "unitary school."

Mr. President, I never heard of a unitary school. I have been working on school matters and operating with school boards for the past 20 years. As a member of a committee back in 1950, I helped to write the present school laws for the State of South Carolina relative to construction, bonding authority, school transportation, teacher certification, aid to local districts, and all other matters relative to what has been described as a dynamic public school system.

The industries in the State of South Carolina have a number of criteria in this regard, in that they make certain that they get the best kind of workers and supervisory personnel; and in order to obtain that, they have to have good schools for their employees and their supervisory personnel in the plants, in order for them to grow and prosper.

They have remarked just that, that the schools have been, by comparison, good schools.

Now the Supreme Court in the Alexander decision has found a unitary school to be the affirmative duty of the school board to comply with and to make certain that all students are assigned to other than a dual school, or in their own words, the characteristics of a unitary school.

We hear, in the same breath, by Senators in debate, news analysts, and commentators, that the unitary school has been found to be the law of the land for the past 16 years.

Specifically, the distinguished Senator from Rhode Island stands up and says, "Look, 16 years ago, in the Brown against Board of Education in Topeka, Kans., case, they found this right in the individual, so how can you go along in the South with denying or delaying that right any longer, or at all?"

Of course, I would ask, "How, when you give freedom of choice to an individual, is any right being denied?"

The right they seek is freely chosen and, if granted, there can be no denial. Right there is inherently the point that should be emphasized: that the New York freedom-of-choice law does not relate to race, and does not relate to the matter of a dual school system. It just says, the right of freedom in the individual.

The Supreme Court itself has evaded or avoided it when it talks of trickery—here is the crowd that does not want trickery—but the Court has evaded or avoided employing title VI of the 1964 Civil Rights Act where Congress stated explicitly that there should not be any moneys used to bus students in order to correct racial imbalance. They say it is not for racial imbalance but to eliminate the dual school.

Mr. President, I ask, who is being tricky with whom?

But, be that as it may, they have said in debate for 16 years that it has been denied. Why is it that that was not a finding in 1964?

Mr. President, I shall relate a different thesis in succinct fashion, but I think nothing points it out more dramatically than the original arguments of the then Mr. Thurgood Marshall, now Associate Justice Marshall of the Supreme Court, as the chief counsel for the National Association for the Advancement of Colored People.

I refer to the time on December 10, 1952, almost 18 years ago. I relate to page 18 of the transcript. And I am not quoting anything out of context. I am giving the general thrust of Mr. Marshall's argument at that time.

There was an exchange between Mr. Marshall and Associate Justice Frankfurter.

I read from that transcript:

Justice FRANKFURTER. Do you really think it helps us not to recognize that behind this are certain facts of life, and the question is whether a legislature can address itself to those facts of life in despite of or within the Fourteenth Amendment, or whether, whatever the facts of life might be, where there is a vast congregation of Negro population as against the states where there is not, whether that is an irrelevant consideration? Can you escape facing those sociological facts, Mr. Marshall?

Mr. MARSHALL. No, I cannot escape it. But if I did fail to escape it, I would have to throw completely aside the personal and present rights of those individuals.

Mind you, the Associate Justice Marshall always goes back to the right of individuals.

I continue to read:

Justice FRANKFURTER. No, you would not. It does not follow because you cannot make certain classifications, you cannot make some classifications.

Mr. MARSHALL. But the personal and present right that I have to be considered like any other citizen of Clarendon County, South Carolina, is a right that has been recognized by this Court over and over again. And so far as the appellants in this case are concerned, I cannot consider it sufficient to be relegated to the legislature of South Carolina where the record in this Court shows their consideration of Negroes, and I speak specifically of the primary cases.

Justice FRANKFURTER. If you would refer to the record of the case, there they said that the doctrine of classification is not excluded by the Fourteenth Amendment, but its employment by state legislatures has no justifiable foundation.

Mr. MARSHALL. I think that when an attack is made on a statute on the ground that it is an unreasonable classification, and competent, recognized testimony is produced, I think then the least that the state has to do is to produce something to defend their statutes.

Justice FRANKFURTER. I follow you when you talk that way.

Mr. MARSHALL. That is part of the argument, sir.

Justice FRANKFURTER. But when you start, as I say, with the conclusion that you cannot have segregation, then there is no problem. If you start with the conclusion of a problem; there is no problem.

Mr. MARSHALL. But Mr. Justice Frankfurter, I was trying to make three different points. I said that the first one was peculiarly narrow, under the McLaurin and the Sweatt decisions.

The second point was that on a classification basis, these statutes were bad.

The third point was the broader point, that racial distinctions in and of themselves are invidious. I consider it as a three-pronged attack. Any one of the three would be sufficient for reversal.

Justice FRANKFURTER. You may recall that this Court not so many years ago decided that the legislature of Louisiana could restrict the calling of pilots on the Mississippi to the question of who your father was.

Mr. MARSHALL. Yes, sir.

Justice FRANKFURTER. And there were those of us who sustained that legislation, not because we thought it was admirable or because we thought it comported with human notions or because we believed in primogeniture, but for different reasons, that it was so imbedded in the conflict of the history of that problem in Louisiana that we thought on the whole that was an allowable justification.

Mr. MARSHALL. I say, sir, that I do not think——

Justice FRANKFURTER. I am not taking that beside this case. I am not meaning to intimate any of that, as you well know, on this subject. I am just saying how the subjects are to be dealt with.

Mr. MARSHALL. But Mr. Justice Frankfurter, I do not think that segregation in public schools is any more ingrained in the South than segregation in transportation, and this Court upset it in the Morgan case. I do not think it is any more ingrained.

Justice FRANKFURTER. It upset it in the Morgan case on the ground that it was none of the business of the State; it was an interstate problem.

Mr. MARSHALL. That is a different problem. But a minute ago the very question was raised that we have to deal with realities, and it did upset that. Take the primary case. There is no more ingrained rule than there were in the cases of McLaurin and Sweatt, the graduate school cases.

Justice FRANKFURTER. I am willing to suggest that this problem is more complicated than the simple recognition of an absolute non possumus.

Mr. MARSHALL. I agree that it is not only complicated. I agree that it is a tough problem. But I think that it is a problem that has to be faced.

Justice FRANKFURTER. That is why we are here.

Mr. MARSHALL. That is what I appreciate, Your Honor. But I say, sir, that most of my time is spent down in the South, and despite all these predictions as to what might happen, I do not think that anything is going to happen any more except on the graduate and professional level. And this Court can take notice of the reports that have been in papers such as the New York Times. But it seems to me on that question, this Court should go back to the case of Buchanan v. Warley, where on the question as to whether or not there was this great problem, this Court in Buchanan v. Warley said:

"That there exists a serious and difficult problem arising from a feeling of race hostility which the law is powerless to control, and for which it must give a measure of consideration, may be freely admitted. But its solution cannot be promoted by depriving citizens of their constitutional rights and privileges."

In this case, granting that there is a feeling of race hostility in South Carolina, if there be such a thing, or granting that there is that problem, that we cannot have the individual rights subjected to this consideration of what the groups might do, for example, it was even argued that it will be better for both the Negro and the so-called white group. This record is not quite clear as to who is in the white group, because the superintendent of schools said that he did not know; all he knew was that Negroes were excluded. So I imagine that the other schools take in everybody.

So it seems to me that insofar as this case is concerned whereas in the Kansas case there was a finding of fact that was favorable to the appellants—in this case the opinion of the court mentions the fact that the findings are embodied in the opinion, and the court in that case decided that the only issue would be these facilities, the curriculum, transportation, et cetera.

In the brief for the appellees in this case and the argument in the lower court, I have yet to hear any one say that they denied that these children are harmed by reason of this segregation. Nobody denies that, at least up to now. So there is a grant, I should assume, that segregation in and of itself harms these children.

Now, the argument is made that because we are drawn into a broader problem down in South Carolina, because of a situation down there, that this statute should be upheld.

So there we have a direct cleavage from one side to the other side. I do not think any of that is significant. As a matter of fact, I think all of that argument is made without foundation. I do not believe that in the case of the sworn testimony of the witnesses, statements and briefs and quotations from magazine articles will counteract what is actually in the brief.

Mr. President, I interrupt my reading to emphasize that this is Mr. Marshall, now Associate Justice Marshall.

So, what do we have in the record? We have testimony on personal inequality. It is admitted. We have testimony as to the exact harm which is inherent in segregation wherever it occurs.

That is too broad for the immediate decision, because the only point is the statute as it was applied in Clarendon County, S.C., by this court, where it reversed and the case was to be sent back. We are not asking for affirmative relief.

As Thurgood Marshall said:

That will not put anybody in any school.

Mr. President, I wish to emphasize that this was Associate Justice Marshall speaking. He said that would not put anybody in any school. It was the decision in the Brown case to put everybody in every school down South, but nowhere else. They refer to the "unitary school" but they have not described it, and I have yet to fathom what it means. The psychologists and sociologists, Kenneth Clark, and that whole crowd, seem to know more about operating schools than anybody else, but, of course, they have never operated one. However, that was the test in this case.

Now, we find the Court inventing the "unitary school." I have read what Thurgood Marshall said 18 years ago, and I will read it again:

That will not put anybody in any school. The only thing that we ask for is that the state-imposed racial segregation be taken off, and to leave the county school board, the county people, the district people, to work out their own solution of the problem to assign children on any reasonable basis they want to assign them on.

Justice Frankfurter said:

You mean, if we reverse, it will not entitle every mother to have her child go to a non-segregated school in Clarendon County?

Mr. President, is that not interesting in the face of the Alexander decision? Here is Justice Frankfurter speaking. This was the argument 18 years ago. Justice Frankfurter said:

You mean, if we reverse, it will not entitle every mother to have her child go to a non-segregated school in Clarendon County?

Mr. MARSHALL. No, sir.

That is what the Court found last month—a unitary school; that every mother will have her child go to a non-segregated school, which I take to mean a unitary school, which is a paraphrase of the 14th amendment.

This is the Court about what Justice Frankfurter said they did not want southern authorities to engage in any kind of trickery, but what have they done? Instead of restricting themselves to the Constitution and the rights of the individual, they first went to racial imbalance. When Congress spoke out in the 1964 Civil Rights Act on racial imbalance they then went to the dual school. When Congress spoke out on the

matter of North and South and so forth, they said, "What you have in the North is de facto segregation and in the South de jure segregation." They "tricked" around that way. Now, when it is brought home more forcibly they find a "unitary school."

The Court is using the trickery. It is talking and trying to get around the Constitution.

Now, I will get back to the argument in the case of 18 years ago:

Justice FRANKFURTER. What will it do? Would you mind spelling this out? What would happen?

Mr. MARSHALL. Yes, sir. The school board, I assume, would find some other method of distributing the children, a recognizable method, by drawing district lines.

Justice FRANKFURTER. What would that mean?

Mr. MARSHALL. The usual procedure——

Justice FRANKFURTER. You mean that geographically the colored people all live in one district?

Mr. MARSHALL. No, sir, they do not. They are mixed up somewhat.

Justice FRANKFURTER. Then why would not the children be mixed?

Mr. President, they were discussing this very problem 18 years ago and the result of the Court's finding that separate but equal was unconstitutional:

Mr. MARSHALL. If they are in the district, they would be. But there might possibly be areas——

Justice FRANKFURTER. You mean we would have gerrymandering of school districts?

Mr. MARSHALL. Not gerrymandering, sir. The lines could be equal.

Justice FRANKFURTER. I think nothing would be worse than for this Court—I am expressing my own opinion—nothing would be worse, from my point of view, than for this Court to make an abstract declaration that segregation is bad and then have it evaded by tricks?

Mr. MARSHALL. No, sir. As a matter of fact, sir, we have had cases where we have taken care of that. But the point is that it is my assumption that where this is done, it will work out, if I might leave the record, by statute in some states.

Justice FRANKFURTER. It would be more important information, in my mind, to have you spell out in concrete what would happen if this Court reverses and the case goes back to the District Court for the entry of a decree.

Mr. MARSHALL. I think, sir, that the decree would be entered which would enjoin the school officials from, one, enforcing the statute; two, from segregating on the basis of race or color. Then I think whatever district lines they drew, if it can be shown that those lines are drawn on the basis of race or color, then I think they would violate the injunction. If the lines are drawn on a natural basis, without regard to race or color, then I think nobody would have any complaint.

Mr. President, is that not amazing? Nobody would have any complaint, said Associate Justice Marshall. What would be the burden? It would be to show the school board had drawn the lines to put the school on the basis of race, but if you could prove that no child was denied admission because of race, namely, given his freedom of choice then, Mr. President, there would be no violation.

Mr. President, I want to refer specifically to the transcript I am reading because I see my distinguished colleague from Rhode Island has entered the Chamber. We are talking about and I am relating arguments made 18 years ago by Thurgood Marshall to the U.S. Supreme Court and the Senator's admonition about the right in Brown against Board of Education and how can anyone in conscience, as a southern school board, or as a Senator, or as a public official deny or delay that right; can we not get on and make sure those rights are enjoyed by all regardless of race.

That is what I understand to be the argument of the distinguished Senator. I am stating our response to that argument. Here the rights are found as no better explained and elucidated upon than by Thurgood Marshall himself in his very language when he stated categorically that when you are given freedom of choice you are not denied your rights. I am not trying to beg the question.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. HOLLINGS. I yield.

Mr. PASTORE. The only distinction there is that freedom of choice is permissible provided it is not done in order to create segregation.

Mr. HOLLINGS. That is right.

Mr. PASTORE. That is right. You left that part out.

Mr. HOLLINGS. Freedom of choice.

Mr. PASTORE. Freedom of choice. That goes to the root, and if it does prohibit or avoid integration it is not permissible. We are juggling words. It depends on what you want to do with this freedom of choice. If you want to create segregation it is wrong; if you want to destroy segregation it is right.

Mr. HOLLINGS. That is not what the Constitution states. How can you have freedom of choice in order to promote integration?

Mr. PASTORE. I did not say "to promote integration." I said "to destroy segregation." No one is talking about forcing integration. We are talking about the elimination of segregation.

Mr. HOLLINGS. Here are the words of Thurgood Marshall:

That will not put anybody in any school.

What is going on in the South today? They are going around affirmatively putting people in schools. First they said it was to correct racial imbalance. Then, when they got on to that in Congress they said we were trying to eliminate dual schools. And when we got on that particular score—North, South, East, and West—then they said, "No, you have got to have, affirmatively, a unitary school." What is a unitary school? I will ask the distinguished Senator what it is.

Mr. PASTORE. I never invented the word. Why does the Senator ask me? But if the Senator asks what a public school is, I will tell him what a public school is. It is a school to which all children can go, regardless of race, color, or creed, and that right is implicit in the Declaration of Independence.

Mr. HOLLINGS. Exactly——

Mr. PASTORE. That is what it says; that regardless of race, color, or creed, all men are created equal. That is all I know. And the pattern has been in some of the States that have been reluctant to move away from segregation that, through the pattern of freedom of choice, they have gotten themselves into private schools and created a whole new private school system. I think that is a horrible mistake, because eventually it is going to destroy the public school system, which is the very bulwark of our Nation.

Mr. HOLLINGS. The Senator has jumped to private schools. That is something else.

Mr. PASTORE. That is all mixed up in it.

Mr. HOLLINGS. We are talking about the Elementary-Secondary Education Act. What we are doing is guaranteeing what the Senator said; that all men are created equal, and that all children should be admitted to public schools regardless of race.

Mr. PASTORE. That is right.

Mr. HOLLINGS. That is freedom of choice. Where in the New York statute does it allow for desegregation or avoidance of segregation in the public school system because of race? We are reaffirming the Constitution that no one shall be denied because of race.

Mr. PASTORE. If a black mother with a black child wants that child to go to a school which is predominantly white, I call that freedom of choice. If a white mother wants to remove a child from a school that is predominantly black, or half black and white, in order not to have her child associate in the same schoolroom with black children, that is not freedom of choice. That is a freedom of choice that is prohibited by the Constitution of the United States. That is the distinction: The Senator can talk about this until the cows come home, but it will not change it.

Mr. HOLLINGS. What the Senator is talking about is freedom of choice for blacks, but not for whites.

Mr. PASTORE. No; I just think we must have a freedom of choice that follows the Constitution of the United States, but the other kind is not freedom of choice. The Senator can tie it up in all the blue ribbons and red ribbons he wants to, but what we are arguing is that there is a pattern in some States where schools have not been integrated, where segregation is still going on, where there is a dual system, and the Supreme Court has said it must be broken. It must be broken if we are to exemplify the true character and the true meaning of the Constitution of the United States. That is all it amounts to.

The only reason I got into this debate was that the Senator saw fit to mention my name as I came into the Chamber. He used something I said 16 or 17 years ago. If I said it 50 years ago, I stick by it today.

Mr. HOLLINGS. I was quoting what was said about 5 weeks ago, in December, and the argument was to the effect that what has been a right founded by the Supreme Court cannot be denied an individual because of race. I am answering by saying we have that freedom of choice, paraphrasing the 14th amendment, and it cannot be denied to anyone. The Senator is talking about tying it up in red or blue ribbons, but it has been dressed up in the North by the unitary school system. Who has moved up there? They talk about many moving, and the Constitution, and the problem, but where, proportionately, is the problem? In the North or the South?

Mr. PASTORE. The Senator from Mississippi will tell the Senator I have not condoned that. I have been against that. I think it should apply to the North and South, East, and West. I think if the Senator will look at the record he will find that is what I have said. Look at the words in the rear of the Chamber, "E Pluribus Unum." That means one country for all.

Mr. HOLLINGS. I am trying to get "HEW E Pluribus Unum" to the rest of the Nation. That is what I am trying to do. [Laughter.]

Will the Senator help me?

Mr. PASTORE. If the Senator will tell me what the latter means.

Mr. HOLLINGS. One out of many, and many out of one. Will the Senator go along with an amendment to apply that uniformly over America?

Mr. PASTORE. Yes, uniformly; that it must apply to North and South, East, and West. I will go along.

Mr. HOLLINGS. Since we have the Senator's support and we are progressing—Specifically, what is wrong with the New York statute which has been passed and signed by the Governor of New York, and not by rednecks?

Mr. PASTORE. The Senator should ask me about the Rhode Island statutes. I am not responsible for New York. Look at the New York side of the aisle.

Mr. CASE. Mr. President, the Senator from New York has already dealt with that.

Mr. HOLLINGS. The Senator from New York is not down here talking about it. The people of New York, by a vote of 2 to 1 on the part of their representatives in the lower house, did it. The lower house of the legislature gave the bill a third reading and sent it to the senate. The senate gave it a third reading, and Gov. Nelson Rockefeller signed it into law. What did the senior Senator from New York have to say about that?

Mr. CASE. The Senator from New York spoke about it an hour ago and expressed his opinion about it. He expressed his disagreement with it.

Mr. HOLLINGS. We have finally gotten him to make a statement on it. Now we have to hear from the other Senator. That does not elicit his support. The fact is they are talking about equal rights. They have been talking about Vietnam and Biafra. How about the 200,000 segregated black children in New York? Have we seen anybody from New York come out here to talk about it? No; they are talking about the South. Yet we have a situation in Darlington and Greenville Counties in South Carolina. We will show you where they have been——

Mr. PASTORE. Mr. President, if the Senator will yield to clear a point, if the Senator is taking a school right in the center of Harlem, where I assume all or at least 90 percent of the children are black, I do not know what we can do about that unless we get into the element of busing.

Mr. HOLLINGS. Oh, oh——

Mr. PASTORE. Let me finish; no "oh, oh." I can understand that that is a condition that has existed because that happens to be the character of the neighborhood. I do not condone that because I think we should break up these ghettos and give the people a chance to breathe fresh air like every other good American. But the Senator has to admit that there are some places in this country where, in the same community, there is a black school and a white school. So we are talking about an entirely different thing.

I think we twist logic a little when a school right in the middle of Harlem that is pointed out as all black. I can point out schools where there are no blacks in the community. But what we are talking about is a community where there is a black school and a white school, where the blacks cannot go with the whites and the whites cannot go with the blacks and listen to the same school teacher. That is what we are talking about.

I walked into the Chamber with no design to debate. I was listening to the Senator and he mentioned my name. So I got into a colloquy with him. But I want him to understand that there is no man in the Senate that I love and respect more than the Senator from South Carolina.

Mr. HOLLINGS. And the Senator knows there is no one I love and respect more than him. That is why I want him to stay here. [Laughter in the galleries.]

The PRESIDING OFFICER. Let us have order in the galleries.

Mr. HOLLINGS. I do not say that lightly, because the Senator knows I admire him. I had been working under him on important problems in the South 12 years ago, before I came to the Senate.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. HOLLINGS. No; let me complete this thought. My distinguished friend from Rhode Island just spoke in support of the neighborhood schools; is that correct?

Mr. PASTORE. No; I did not say that.

Mr. HOLLINGS. He said they had them in Harlem.

Mr. PASTORE. The Senator is using the word "support." I did not say that. I gave him the facts as to the existence of a situation that created this situation. Possibly in the past there was something that should have been avoided and was not avoided. Maybe those people should have been given an opportunity, under equal housing and fair housing, to go out and buy themselves homes, and be helped to move out of the ghetto. They could not do that, so they had to be crammed into the ghetto. They had to go to school where they could go to school—not down at Staten Island or somewhere, but at their neighborhood school.

I say that what we ought to do is remove this rot from our American system. We ought to give these people a chance to spread out, to move into suburbia, to move out of the ghettos. Once we have done that, it will remove even that sort of segregation out of the North, and I am all for that. But if anyone in the North is deliberately segregating schoolchildren, I am absolutely against it, whether it is the North, the South, the East, or the West. That is all I am saying.

Mr. HOLLINGS. Would the Senator call the New York statute a deliberate attempt to segregate in New York?

Mr. PASTORE. I do not know anything about the New York statute.

Mr. HOLLINGS. It is word for word, the words of the Senator from Mississippi and myself.

Mr. PASTORE. I do not read New York statutes. I have enough to do to try to read the statutes of Rhode Island and the statutes of the United States.

Mr. HOLLINGS. I have noticed that some people get real busy, and do not want to read the New York law.

Mr. PASTORE. But whether the New York law is good or bad, I ask, should that be our guiding light? Can we not use our own judgment? Can we not have a freedom of choice, and use our own judgment?

Mr. HOLLINGS. Freedom of choice; that is what I wanted to hear the distinguished Senator say. Our law in South Carolina not only gives freedom of choice to Senators, but to children and parents as well.

Mr. PASTORE. The freedom of choice I am talking about is one wrapped in nobility.

Mr. HOLLINGS. And within the Constitution.

Mr. PASTORE. And within the Constitution of the United States of America.

Mr. DOMINICK. Mr. President, will the Senator from South Carolina yield for a unanimous-consent request?

Mr. HOLLINGS. I am happy to yield, provided I may do so without losing my right to the floor.

Mr. DOMINICK. Mr. President, I ask for the yeas and nays on the pending amendment.

The yeas and nays were ordered.

Mr. EAGLETON. Mr. President, will the Senator from South Carolina yield for another unanimous-consent request on the same subject matter?

Mr. HOLLINGS. I ask unanimous consent that I may yield to the Senator from Missouri for that purpose without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EAGLETON. Mr. President, I ask the Senator from Colorado if he is willing to agree to vote at a time certain on the pending amendment.

Mr. DOMINICK. About 2:15 will be fine.

Mr. EAGLETON. Will the Senator agree to 3:45 this afternoon? That is agreeable to the ranking minority member, the Senator from New York (Mr. JAVITS).

Mr. DOMINICK. I am in the same boat as the Senator from Missouri. If I wait until then, I lose some of my support. I gather that if we vote before then, the Senator will not have some of his people back. So perhaps we had better not have an agreement. Maybe we had better just go along. I do not think I can agree to a time certain which will not disfranchise some of the Senator's supporters.

Mr. EAGLETON. Would 3:30 be more amenable?

Mr. DOMINICK. Some Senators I know of are going to be leaving by 2:30.

Mr. MANSFIELD. Mr. President, I hope none of our members are planning to leave by 2:30, because there are going to be votes today, and it is quite possible there will be votes tomorrow. I wish to serve notice that Senators who have such ideas in mind ought to do a little recon-

sidering, because we have important business to do here, the people's business. We are going to take 3 days off next week, and I think we ought to remain here and tend to the people's business, and stay on the job.

Mr. PELL. Mr. President, as manager of the bill, I should like to say how happy I am to hear the views of the majority leader in that regard.

Several Senators addressed the Chair.

Mr. STENNIS. Mr. President, let me assure the majority leader and all other Members of the Senate, as one of the authors of two of these amendments, that there is certainly no attempt here to delay votes or postpone votes, or anything else, except to discuss this matter on the merits. We want to get on with this thing just as fast as we can. But there is nothing before the Senate now, nor will there be any other time this year, that is any more important to our people than these amendments. They will be fully explained, and everyone will have a chance then to vote as he sees fit. I just want to make that clear; and I told the majority leader before he called the bill up that would be our position.

Mr. MANSFIELD. Mr. President, I wish to corroborate what the distinguished Senator from Mississippi has stated. This is a most important question. There is no filibuster going on. There is a certain amount of delay as far as facing up to amendments is concerned, and there is a certain amount of maneuvering to see how many Senators will be here at this time and how many will be here at that time.

Any Senator who leaves at any time leaves on the basis of his own responsibility. He takes his own chances. He has to answer to his own people and his own conscience. I would hope that we would all stay here and do what we can to complete action on this measure and other important measures. I would hope that Senators would not take advantage of a Saturday, if we meet, to stay away, because if we meet on Saturday the first order of business will be a live quorum call. We will not be meeting on Saturday just for show purposes; we will be meeting to attend to the people's business, and that is what we are here to do.

Several Senators addressed the Chair.

Mr. DOMINICK. Mr. President, will the Senator from South Carolina yield for a unanimous-consent request?

Mr. HOLLINGS. I yield to the Senator from Colorado for that purpose.

Mr. DOMINICK. Mr. President, just to test this matter out, I ask unanimous consent that, commencing at 2 o'clock today, there be a time limitation of one-half hour on the pending amendment, to be equally divided between the opponents of the amendment and myself, and that we vote on it at 2:30.

Mr. MANSFIELD. Mr. President, reserving the right to object, and I shall not object personally, it was my understanding that the ranking minority member, the Senator from New York (Mr. JAVITS), was somewhat averse to such a unanimous consent agreement. I should not attempt to speak for him; someone on the other side should be speaking for him.

Mr. EAGLETON. Mr. President, I do object to that time limitation. I did clear the matter with the Senator from New York, and he is amenable to voting at 3:30 or 3:45.

Mr. MANSFIELD. What was the request of the Senator from Colorado?

Mr. DOMINICK. To start with a half hour time limitation at 2 o'clock, and vote at 2:30.

Mr. EAGLETON. I object, Mr. President.

The PRESIDING OFFICER. Objection is heard.

Mr. PROUTY. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. HOLLINGS. I yield.

Mr. PROUTY. Mr. President, I introduce for appropriate reference——

Mr. MANSFIELD. Mr. President, I object. We have put a rule into effect that we will not consider any other business for 3 hours except the pending business. In other words, we have put into effect the Pastore——

Mr. PASTORE. Germaneness rule.

Mr. MANSFIELD. The Pastore germaneness rule. It was agreed to on both sides, under a unanimous-consent agreement. We have had to object to similar requests of the distinguished Senator from Arkansas and others. It does not make the leaders very popular with their colleagues, but unfortunately I have to do it in this instance as well.

The PRESIDING OFFICER. The point of order is well taken. The Senator from South Carolina has the floor.

Mr. HOLLINGS. Mr. President, it is not the intent of the Senator from South Carolina to delay the leadership. Any time Senators can agree on a time for a vote on the amendment of the Senator from Colorado, I shall be happy to yield.

The PRESIDING OFFICER (Mr. NELSON in the chair). The Senate will be in order. The Senator will suspend until order is restored. Senators will resume their seats or carry on their conversations outside the Chamber.

The Senator from South Carolina may proceed.

Mr. HOLLINGS. Mr. President, once more I emphasize that the only argument that seems to bring about the interest or twinge the conscience of Senators in any fashion against freedom of choice is the statement that the freedom of choice has been used to deny or delay the rights of the individual. That is why I am addressing my remarks to exactly what rights the individual has, and emphasize, in the same breath, that that is what our freedom of choice amendment guarantees—exactly what the 14th amendment has guaranteed, and exactly what the court itself found in the original case of Brown against the Board of Education of Topeka, Kans., on May 17, 1954.

In 1952, when the then Mr. Thurgood Marshall, who is now Associate Justice Marshall, was arguing the cases and responding to the questions of then Justice Frankfurter, this issue was discussed. I quote Mr. Thurgood Marshall, who is now an Associate Justice:

> But if this Court would reverse and the case be sent back, we are not asking for affirmative relief. That will not put anybody in any school.

This, I submit, is exactly what the Supreme Court is trying to do in the Alexander decision, in finding, for the first time in history, a unitary school, for what that may be.

I quote further from the remarks of Justice Frankfurter:

> Justice FRANKFURTER. It would be more important information, in my mind, to have you spell out in concrete what would happen if this Court reverses and the case goes back to the District Court for the entry of a decree.
>
> Mr. MARSHALL. I think, sir, that the decree would be entered which would enjoin the school officials from, one, enforcing the statute; two, from segregating on the basis of race or color. Then I think whatever district lines they draw, if it can be shown that those lines are drawn on the basis of race or color, then I think they would violate the injunction. If the lines are drawn on a natural basis, without regard to race or color, then I think that nobody would have any complaint.

That is Mr. Marshall talking about the operation of the public school system.

I do not know whether the distinguished Senator from New Jersey has left the Chamber, but we were talking about the schools in the ghettos and perhaps the conditions in New Jersey. I do not know whether New Jersey has heard of the Brown against the Board of Education decision of 1954, but this seems to allude to New York and to New Jersey.

I quote Justice Frankfurter:

> Justice FRANKFURTER. There is a thing that I do not understand. Why would not that inevitably involve—unless you have Negro ghettoes, or if you find that language offensive, unless you have concentrations of Negroes, so that only Negro children would go there, and there would be no white children mixed with them, or vice versa—why would it not involve Negro children saying, "I want to go to this school instead of that school"?
>
> Mr. MARSHALL. That is the interesting thing in this procedure. They could move over into that district, if necessary. Even if you get stuck in one district, there is always an out, as long as this statute is gone.

That was then chief attorney for the NAACP, Thurgood Marshall, now an Associate Justice, stating the limitation of what could be found and not be found under the Constitution. Affirmatively, he says there is "always an out." You can move out and go to another area and apply within that district, so long as the district is outlined to provide public education not on the basis of race.

I quote further:

> They could move over into that district, if necessary. Even if you get stuck in one district, there is always an out, as long as this statute is gone.

The statute is gone, and they still do not have it to please themselves up North and the political administrations of this country. So they have adopted busing systems. Where? In North Carolina and in South Carolina. Not in New York, not in Chicago. No HEW there. No constitutional or equal justice under law. No "E pluribus unum" in New York. Just in South Carolina and in North Carolina.

I quote again Thurgood Marshall:

> There are several ways that can be done. But we have instances, if I might, sir, where they have been able to draw a line and to enclose—this is in the North—to enclose the Negroes, and in New York those lines have

on every occasion been declared unreasonably drawn, because it is obvious that they were drawn for that purpose.

Justice FRANKFURTER. Gerrymandering?

Mr. MARSHALL. Yes, sir. As a matter of fact, they used the word "gerrymander."

So in South Carolina, if the decree was entered as we have requested, then the school district would have to decide a means other than race, and if it ended up that the Negroes were all in one school, because of race, they would be violating the injunction just as bad as they are by violating what we consider to be the Fourteenth Amendment now.

Justice FRANKFURTER. Now, I think it is important to know, before one starts, where he is going. As to available schools, how would that cut across this problem? If everything was done that you wanted done, would there be physical facilities within such drawing of lines as you would regard as not evasive of the decree?

Mr. MARSHALL. Most of the school buildings are now assigned to Negroes, so that the Negro buildings are scattered around in that county. Now, as to whether or not lines could be properly drawn, I say quite frankly, sir, I do not know. But I do know that in most of the southern areas—it might be news to the Court—there are very few areas that are predominantly one race or the other.

Justice FRANKFURTER. Are you going to argue the District of Columbia case?

Mr. MARSHALL. No, sir.

If you have any questions, I would try, but I cannot bind the other side.

Justice FRANKFURTER. I just wondered, in regard to this question that we are discussing, how what you are indicating or contemplating would work out in the District if tomorrow there were the requirement that there must be mixed groups.

Mr. MARSHALL. Most of the schools in the District of Columbia would be integrated. There might possibly be some in the concentrated areas up in the northwest section. There might be. But I doubt it. But I think the question as to what would happen if such decree was entered—I again point out that it is actually a matter that is for the school authorities to decide.

Can you imagine someone now sitting on the Supreme Court and harkening the memory? Every time a judge is nominated to be a member of the Court, they give him a memory test. They say, "What did you say back in 1948?" Or some other time. Now I say to now Associate Justice Marshall, let us go back to your original language when he was the chief attorney for the NAACP. I quote:

I again point out that it is actually a matter that is for the school authorities to decide, and it is not a matter for us, it seems to me, as lawyers, to recommend except where there is racial discrimination or discrimination on one side or the other.

But my emphasis is that all we are asking for is to take off this state-imposed segregation. It is the state-imposed part of it that affects the individual children. And the testimony in many instances is along that line.

I conclude this part of his language:

So in South Carolina, if the District Court issued a decree—and I hasten to add that in the second hearing when we were prevented from arguing segregation, the argument was made that on the basis of the fact that the schools were still unequal, we should get relief on the basis of the Sipuel decision—the court said in that case, no, that the only relief we could get would be this relief as of September, and in that case the court took the position that it would be impossible to break into the middle of the year. If I might anticipate a question on that, the point would come up as to, if a decree in this case should happen to be issued by the District Court, or in a case similar to this, as to whether or not there would be a time given for the actual enrollment of the children, et cetera, and changing of children from school to school. It would be my position in a case like that, which is very much in answer to the brief filed by the United States in this case—it would be my position that the important thing is to get the principle established, and if a decree were entered saying that facilities are declared to be unequal and that the appellants are entitled to an injunction, and then the District Court issues the injunction, it would seem to me that it would go without saying that the local school board had the time to do it. But obviously it could not do it over night, and it might take six months to do it one place and two months to do it another place.

Herein, Mr. President, I emphasize—and these are the words of Thurgood Marshall:

Again, I say it is not a matter for judicial determination. That would be a matter for legislative determination.

And what has been found, if you please, in the Alexander decision, just a few months ago? It is dated October 29, 1969, and is only two pages in length. I ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the decision was ordered to be printed in the RECORD, as follows:

SUPREME COURT OF THE UNITED STATES, No. 632, OCTOBER TERM, 1969

Beatrice Alexander et al., Petitioners, *v.* Holmes County Board of Education et al., on Writ of Certiorari to the United States Court of Appeals for the Fifth Circuit. (October 29, 1969)

Per Curiam: These cases come to the Court on a petition for certiorari to the Court of Appeals for the Fifth Circuit. The petition was granted on Octoger 9, 1969, and the case set down for early argument. The question presented is one of paramount importance, involving as it does the denial of fundamental rights to many thousands of school children, who are presently attending Mississippi schools under segregated conditions contrary to the applicable decisions of this Court. Against this background the Court of Appeals should have denied all motions for additional time because continued operation of segregated schools under a standard of allowing "all deliberate speed" for desegregation is no longer constitutionally permissible. Under explicit holdings of this Court the obligation of every school district is to terminate dual school systems at once and to operate now and hereafter only unitary schools. *Griffin* v. *School Board,* 377 U.S. 218, 234 (1964); *Green* v. *County School Board of New Kent County,* 391 U.S. 430, 438–349, 442 (1968). Accordingly,

It is hereby adjudged, ordered, and decreed:

1. The Court of Appeals' order of August 28, 1969, is vacated, and the cases are remanded to that court to issue its decree and order, effective immediately, declaring that each of the school districts here involved may no longer operate a dual school system based on race or color, and directing that they begin immediately to operate as unitary school systems within which no person is to be effectively excluded from any school because of race or color.

2. The Court of Appeals may in its discretion direct the schools here involved to accept all or any part of the August 11, 1969, recommendations of the Department of Health, Education, and Welfare, with any modifications which that court deems proper insofar as those recommendations insure a totally unitary school system for all eligible pupils without regard to race or color.

The Court of Appeals may make its determination and enter its order without further arguments or submissions.

3. While each of these school systems is being operated as a unitary system under the order of the Court of Appeals, the District Court may hear and consider objections thereto or proposed amendments thereof, provided, however, that the Court of Appeals' order shall be complied with in all respects while the District Court considers such objections or amendments, if any are made. No amendments shall become effective before being passed upon by the Court of Appeals.

4. The Court of Appeals shall retain jurisdiction to insure prompt and faithful compliance with its order, and may modify or amend the same as may be deemed necessary or desirable for the operation of a unitary school system.

5. The order of the Court of Appeals dated August 28, 1969, having been vacated and the case remanded for proceedings in conformity with this order, the judgment shall issue forthwith and the Court of Appeals is requested to give priority to the execution of this judgment as far as possible and necessary.

Mr. HOLLINGS. The Court said:

Against this background the Court of Appeals should have denied all motions for additional time because continued operation of segregated schools under a standard of allowing "all deliberate speed" for desegregation is no longer constitutionally permissible.

How does that become the Constitution one time in May of 1954, and now comes October 1969 and without any argument by Congress the Court says that this no longer is the Constitution?

Is that not convenient, the way the Court rewrites the Constitution of the United States of America?

And they wonder what the turmoil is among those they call the silent majority of the people of this country.

They talk of trickery, as Justice Frankfurter did.

Who is being tricky?

I again quote from the decision:

Under explicit holdings of this Court the obligation of every school district is to terminate dual school systems at once and to operate now and hereafter only unitary schools.

What is that? The Court does not say. What is a unitary school? I have been working on school boards for 20 years and I had been bringing trustees to Washington and I do not understand it. This is what happens as a result of the Alexander decision. I think the distinguished leader, the junior Senator from Rhode Island, would be interested in this: With deliberate speed, they took into consideration the human element. Schools are operated by taxpayers' money but generally speaking we have to have a vote of the people in order to issue the bonds. We have to have school trustees who are not paid. A school trustee, in large measure, is elected by the people. Some are appointed after they are argued into serving on the school boards because there is no honor to it. It is performing a real public service.

They are moving along with deliberate speed. The schools in Mississippi under which this decision was made were found by HEW to be moving along with deliberate speed.

Mr. MANSFIELD. Mr. President, may I ask the Senator, has he completed his remarks?

Mr. HOLLINGS. I should like to finish this one thought and take a minute.

Mr. President, that same HEW found, as I am going to show in the record made before the Appropriations Committee, that we were working and moving along in the South. We bring the trustees in and they come forward, and they are told, "You have got to do better. You are using this freedom of choice as a 'gimmick.' HEW says you are evading the decision by trickery. You have got to give them what is all over the country, 'E Pluribus Unum,' equal justice under law. You have got that trustee about ready. Take him over, he has got his hearing."

The trustee goes back and works on another plan and by the time he works it out—just like Kansas City which went about as far as it could—they come in from behind and knock him down, they destroy him politically. And locally where he does not have anything to operate the schools with, HEW does not have to go along with the findings of the Court. We have thus defeated education under the guise of the Alexander decision. We have defeated its intent and purpose. If that is the thrust of the Supreme Court in in the Alexander decision, then I say they will have defeated the very purpose they had in mind.

Mr. President, I shall elaborate further on this subject with findings of the Committee on Appropriations and other statistics.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that on the pending Dominick amendment the vote occur at 3 o'clock p.m. today, and that the time, up to that time, be equally divided between the Senator in charge of the bill and the Senator from Colorado (Mr. DOMINICK), or whomever they may designate.

Mr. JAVITS. Mr. President, that is with the understanding that we do vote at 3 o'clock, even if either party yields back its time.

Mr. MANSFIELD. Yes, I asked specifically for a vote at 3 o'clock.

Mr. DOMINICK. Mr. President, reserving the right to object—and I hope that I shall not—I want to make sure that we have at least a half hour before the vote so that we can explain our respective sides.

Mr. MANSFIELD. The time will start now.

Mr. DOMINICK. I thank the Senator.

The PRESIDING OFFICER (Mr. McGOVERN in the chair). Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

Mr. PELL. Mr. President, I yield 10 minutes to the Senator from Missouri (Mr. EAGLETON).

The PRESIDING OFFICER. The Senator from Missouri is recognized for 10 minutes.

Mr. EAGLETON. Mr. President, the matter now pending before us is the Dominick amendment which would strike from H.R. 514 all reference to public housing projects and public housing students.

So that we may understand where we have been and where, presumably, we may be heading, it would be worthwhile briefly to recapitulate that which has occurred to date both in the Labor and Public Welfare Committee and on the floor of the Senate.

The concept of impacted aid dates back a good number of years, to the early 1950's, when the program was conceived as the first Federal aid-to-education program. It came about by reason of the fact that when the Federal Government constructed military installations in certain jurisdictions, it created enormous hardships on the school district in which the installation was situated because the school district had taxable property taken off the tax rolls and became burdened with the educaticn of the children of the military personnel. Thus it was deemed proper that when the Federal Government by its activities took property from the tax rolls in a jurisdiction and simultaneously superimposed on that very property students who had to be educated by a local school district, then that school district would be compensated by the Federal Government for the impact it had created.

Through the years, this beginning impacted aid was expanded to include other types of federally connected and federally related children, those who work on, but live off military bases, and so forth.

From its rather modest beginnings in the early 1950's, the impacted aid program has grown to the point today where it exceeds $500 million in annual appropriations.

The Labor and Public Welfare Committee, by a closely divided vote, amended Public Law 874, the basic impacted aid program, included in that definition, 2 years hence, public housing students, and deemed that they qualify as "B" type students under impacted aid. The rationale for this action was that just as the Federal Government created a hardship or an impact on a local school district by establishing a nonproperty taxable military base with the children connected therewith, the Federal Government likewise created a hardship or an impact when it set into play the machinery for the creation of public housing and introduced into such public housing thousands of children to be educated. To state it another way, the financial impact on a school district of a nontaxable public housing project is just as grave, just as burdensome, just as onerous as a nontaxable military base.

The proposal of the Senate Labor and Public Welfare Committee met with considerable objection. Many Senators from States now receiving significant amounts of impacted aid under Public Law 874 felt, since the program is already under fire and since we do not know precisely the amount of money which is going to be appropriated in fiscal year 1970 for impacted aid. that to include a new category and to more broadly base the criteria by which impacted aid is paid would, maybe, jeopardize the whole program and dilute the moneys currently being received by many districts in this country.

Therefore, yesterday, the Senator from Texas (Mr. YARBOROUGH)—joined by the Senator from Rhode Island (Mr. PELL), the Senator from Colorado (Mr. DOMINICK), and myself—introduced and we agreed to what might be called a compromise as follows:

Instead of commingling public housing students in the basic, existing definition of "A" and "B" categories under impacted aid, we would create a separate "C" category to be separately funded, if ever any funds were forthcoming. Whatever funds appropriated for public housing children would not be commingled or intertwined with funds appropriated for "A" and "B" students. "C" students, that is public housing students, would have to be funded on a separate line item basis.

Quite frankly, Mr. President, I will be candid enough to concede that in my judgment if this concept finally becomes law, the chances of "C" aid being funded immediately or substantially, under the present budgetary exigencies, are quite remote. What we hope to do is to bring into being a legislative mechanism for the recognition of the needs of school districts with substantial public housing and to await the actual funding of same until such time as the pressures on the budget are less severe.

I want to make it abundantly clear that if we go ahead with section 203, as amended by the Yarborough amendment, if it is not stricken from the bill, as would be done by the Dominick amendment, those school districts currently receiving impacted aid will in no way find their funds diluted by this action.

This item is completely separate and completely distinct. With the Yarborough amendment this is no question of diverting funds that are currently going to certain districts to other districts. "A" and "B" students remain completely separate from "C" students.

This concept is not new or novel. It has been considered by Congress before, although this is the farthest along on the legislative ladder than it has gotten.

It is endorsed in resolutions passed by the American Association of School Administrators, the Council of Chief State School Officers, the National Association of School Boards of Education, the National Congress of Parents and Teachers, the National Education Association, and the National School Boards Association.

These six prestigious organizations in their resolution said:

> We support the grant efforts of Congress to amend the Act of September 30, 1950, Public Law 874, which is the basic impacted aid law, to provide financial assistance in lieu of taxes to those local school districts which have tax-exempt public housing units within their boundaries.

We have placed on the desk of each Senator a memorandum which statistically summarizes the situation as we view it. This statistical summary will be found also at pages 2468 and 2469 of the RECORD of February 4, 1970.

Mr. President, I yield the floor.

Mr. PELL. Mr. President, I rise to voice my strong opposition to the Dominick amendment which would strike section 203 of the bill which provides for the inclusion of children from public housing units under the impacted aid program.

Perhaps it would be best for this discussion if we first looked to the theory which underlines our inclusion of this section in the pending bill.

The impacted air program was first established to aid those local school districts which suddenly found themselves carrying increased numbers of schoolchildren due to the movement of people into the area to work on a Federal defense installation. It was deemed equitable that aid should be made available to local school districts for, not only did the Federal activity bring new children into the school system but it also took from the public tax rolls, lands and buildings which would otherwise be considered part of the local community's tax base and therefore part of the financial support for the educational institution.

Many years have passed; however, the equitable basis for that decision of support for local schools is still a valid one even when one considers certain various inequities which have been allowed to develop in the allocation of such support.

In this year's consideration of elementary and secondary education legislation, the question of the inclusion of children from public housing under the impacted program was raised. Our discussions brought to the attention of the members of the committee the fact that the same theory supporting an impact payment for Federal defense installations is also a valid one when one considers public housing supported under various Federal statutes. The Congress enacts legislation which makes attractive the building of public housing in cities and towns throughout the Nation. Indeed, it provides funds for these activities. Once those housing projects are completed, the same type of an impact on the local schools is experienced in that there is a marked increase in the number of school children to be served and the federally supported activity has taken from the tax base of the local community land which would be taxable to support public schools. Discussions on this inclusion of public school children were long and heated. However, the basic equitable nature of the amendment was recognized.

And here I would add that we in the Education Subcommittee are fully cognizant of the recent report on impacted aid issued by the Battelle Memorial Institute. This report spoke lucidly and clearly about the present impacted program, and made specific recommendations to which the Senate should perhaps give thought. Indeed I fully expect that there is a distinct possibility that we shall have hearings on the Battelle report.

There was concern raised in the committee and indeed on the Senate floor yesterday as to what would be the fate of the present recipients of impacted assistance with the inclusion of the public housing children under the program. It is for that reason that we accepted on the floor yesterday an amendment which would provide for a separate line item to fund these increased entitlements.

The junior Senator from Missouri has, in his discussion, amplified on many of the points I have made today. Indeed, the two charts which he has offered for our consideration fully demonstrate that the impact under the housing programs has been of vast magnitude. I question the arguments which say that one State will receive eight to 10 times more than another State, for by raising that strawman, we are saying that the Senate must not accept this amendment because some States have been more aggressive in their implementation of Federal housing statutes. I would urge the Senate to defeat the Dominick amendment and by doing so demonstrate its support, not only of the schoolchildren involved, but, of the States and cities which have sought to make better living conditions available to its citizens.

Mr. DOMINICK. Mr. President, I yield 10 minutes to the distinguished Senator from Louisiana.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. ELLENDER. Mr. President, back in 1937 I authored the public housing bill. And I am very familiar with the law then enacted, as well as with the many amendments that were written into the law thereafter.

The Federal Government is involved in the construction of public housing by the contribution of money and the guarantee of loans or public authority bonds. The property itself is not owned by the Federal Government. It is owned by an authority created by the State, and the Federal Government contributes some funds by way of subsidy assists with the cost of interest, and insures the bonds which are issued in order to construct these buildings so that poor people can get good housing at a reasonable rate.

Mr. President, this program of impacted aid started during World War II or soon thereafter. At that time there was good reason to support communities because the schools had to bear a heavy burden caused by the children of the workers needed to staff defense facilities. An unprecedented demand was placed on the local school authorities, and at that time there was no tax base available to help them meet it.

In the 1950's, the Congress provided specifically that this impact aid was to be available to districts in which there were people working for the Federal Government on federally owned property. That has been extended now to include not only the military, but also people working in post offices in a community.

It has also been amended in order to include the children of Senators, like in the adjoining counties in Maryland.

Mr. President, this law has been abused, and I do not wish to abuse it further. If we extend it to cover the children of those in low-rent housing projects all over the country, we would be introducing a principle completely at odds with the intent of the law.

The amount of money required today for these impacted areas amounts to a great deal. In fact, the HEW bill was vetoed by President Nixon because it provided more money for this purpose than the President desired to spend.

Now, Mr. President, merely because the Federal Government assists in the construction of public housing in any city so as to benefit the local people, we are being asked here to pay for the education of those children living in the low-rent projects. As I said awhile ago, these projects are not Federal property. They are State or municipal property. In the contract entered into between the local authority and the Federal Government in order to finance public housing, the Federal Government puts up a certain amount by way of subsidy. As I recall, it started out in 1937 at 3.5 percent and it is now up to over 6 percent.

Now, in addition to the amount of money the Government has put into these projects we are being asked to provide almost $400 million per year in order to pay for the education of the children of those persons who occupy that housing. I think we are simply going too far, particularly in this bill, where the Federal Government is being asked to provide $35 billion over a period of 4 years for elementary schools. I think that, in itself, is sufficient.

It is plain nonsense for us to compare the attempt to provide moneys to educate children living in public housing with those children living on military posts, or even working in the post office. The entire thrust of the Federal aid to elementary and secondary schools program, enacted by the Congress in 1965—was to provide funds especially to assist these low-income school districts. This bill would provide another program to do the same thing—it seems to me.

Mr. ERVIN. Mr. President, will the Senator yield for a question?

Mr. ELLENDER. I yield.

Mr. ERVIN. I wish to ask the Senator from Louisiana if thus far Federal aid to impacted areas has not been restricted to those areas where the Federal Government took the initiative and, in a sense, placed the impaction upon the States? In other words, this kind of aid has been restricted in the past to aid made necessary because of the initiative of the Federal Government itself.

Mr. ELLENDER. Exactly. In this case, as I pointed out awhile ago, the local authorities come to the Federal Government for assistance in helping them to build public housing in order to take care of the people of that State.

Mr. ERVIN. I wish to ask the Senator if all of the public housing existing anywhere in the United States is public housing which is put there on the initiative of the States?

Mr. ELLENDER. The Senator is correct.

Mr. ERVIN. The localities and States affected ultimately, and over a period of years, have to reimburse the Federal Government for every penny expended to assist in public housing.

Mr. ELLENDER. The Senator is correct, except, as I said, that the Federal Government furnishes a certain amount of money each year by way of paying 6 percent of the cost of the project to the authority that constructs the buildings.

Mr. ERVIN. I would like to ask the Senator from Louisiana if he does not agree with the Senator from North Carolina, in the belief that adding such items as this to the Federal impacted area, provisions will tend to bring the entire Federal impacted area program into disrepute and into disfavor with the general public of this Nation?

Mr. ELLENDER. I do not think there is any doubt about it. It is already in disrepute by allowing the children of Senators residing in Montgomery

County to be included in the total qualifying the county for impacted aid. Where children of Senators go to schools in Montgomery County, the school district then collects from the Federal Government between $700 to $1,500 per student.

If this were to be applied to the now existing public housing constructed all over the country it would make the amount go up to $1.014 billion. I think the effect of this would be, as the Senator from North Carolina pointed out, to destroy a good program that started quite a few years ago.

Mr. DOMINICK. Mr. President, I yield myself such time as I may require.

The PRESIDING OFFICER (Mr. MONTOYA in the chair). The Senator from Colorado is recognized.

Mr. DOMINICK. Mr. President, I listened with great interest to the distinguished Senator from Louisiana. He has had a great amount of experience in the Senate and in the Committee on Appropriations. I think he has done a very fine job of analyzing the problems created by the inclusion of public housing within the impacted area field.

I think we should go back, as he so ably pointed out, to the purpose of the orig'nal impacted area bill. The purpose was to provide that where a national installation has been created to fulfill a national need, and where this has an adverse effect on the local district, the Federal Government should do something about taking care of that adverse effect. Obviously, the first thing that hits a school district when a military installation or massive Federal complex comes into the area is that land is taken off the tax rolls. Therefore, State and local government does not have the tax base to support those schools. Second, children of the employees in that area are going to go to the local school district and thereby increase the overall burden of that school district. This happens before those people start paying taxes to take care of their own children.

In other words, the theory of the program originally, as I conceive it, was sensible and logical, and it was something needed at the time when we were expanding the military complex and the Federal complex throughout the country. As the Senator from Louisiana said, it has changed to some degree since that time. It has been enlarged, and because of the enlargement inequities have crept up. The Senator referred to those where children of Senators attending school in Maryland can be counted as children of Federal employees and the Federal Government pays money to take care of them. I agree that this is perfectly silly. Nevertheless, this has been the effect, and that particular type problem is the thing which has been creating questions in the minds of the public. It is the kind of thing that has been creating questions in the minds of four Presidents on whether or not we should go on with the impacted areas program—at least in its present form.

I had a letter just the other day from a resident of my State which said, "Let us not talk all the time about Montgomery County, Md. It is not just Montgomery County." In Colorado we have a low-cost city, which is a residential city, which takes care of the lower ranking and enlisted personnel at Fort Carson, one of the prominent military bases for NORAD, and the military personnel on Peterson Field. If we should eliminate the class B from any impacted area aid these people would have to be assessed an additional 35 to 38 mills simply to maintain the present level of the financing of their schools.

So I think it can be seen that there is a real problem in any approach which would eliminate or dilute the funds for class B under impacted areas.

But even though we have a problem here, what happened in committee? My good friend the distinguished Senator from Missouri proposed that we put public housing under section B, so that children in public housing all over the country will be considered in the same fashion as those of Federal employees. I tried to strike public housing in committee. I was defeated. I said, as a compromise, we will offer a separate line item and see if we can do that, so the Appropriations Committee will have a chance to see that there are two separate items to consider, one, impacted area as now constituted, and, two, children of public housing. This effort was also defeated in committee.

It was only after we started mounting a fight on the floor that we were able to get the Yarborough compromise on the floor. This is of some help, but not much.

What is the matter with putting children in public housing in the same formula? This is the key issue. Public housing does not fall into the same principle. The Federal Government is not moving into the area, taking land away from the tax rolls and putting in new children. The children are there now and are going to public school already. So this situation does not fit into that category at all. These are State or local units, largely, or city or State-owned properties. The local or State government determines where they are going to be placed, and the Federal Government has little or nothing to do with it.

Second, the people have to be in almost all cases, residents of that very area before they are entitled to move into a public housing unit. So there is not the injection of new people coming in and impacting a new area. The people are already there. The children are already going to school. They have already been taken care of one way or another.

Third, the argument is made that since I oppose the public housing concept, I am against children or people living in public housing. This argument makes me "uptight." Every time we make this suggestion, others say we are against education or we do not like children. It is so silly it is not worth talking about, but I do think the point should be made in the RECORD.

Neither I nor the committee have anything against children of families in low cost housing units. Those children are counted in determining how much money a district will get from title I funds—education to the disadvantaged. That is now in the bill. It has been in existing law and it remains in the bill. Whether my amendment is adopted or loses, they will still be receiving assistance, because they are being counted in the overall disadvantaged children for the purposes of title I.

Let us go for a moment to the Battelle report. We authorized that report to study the impacted area program. In round figures, we paid $180,000 for the report. The Battelle report was issued in January, after we had reported the bill with this public housing feature in it, and just before our committee report was printed. This is the conclusion of the Battelle report in connection with the issue that we are discussing today:

> There would appear to be no satisfactory reason for broadening the Impact Areas Program to encompass children occupying public housing units. If Congress and the Administration are concerned with problems of large city education—

I might interject that we certainly are——

> they will find that the most appropriate vehicles for implementing that concern are outside the scope of a reasonable impacted area program.

The taxpayers paid $180,000 for the Battelle Report. Congress authorized it. Congress asked the institute to make the report. This is the conclusion of the report. Yet, despite it, we seem to be tending to go contrary to its recommendation. That does not make much point to me.

Here are some of the quotations from that report with respect to the proposal made by the Senator from Missouri. First of all the question of Federal impact:

> The fact that the public housing units are not owned by the Federal Government means that public housing differs considerably from the housing which normally gives rise to entitlements under the Impact Aid Program.
>
> Another factor worthy of consideration is that public housing projects have been constructed in response to local government decisions to build such projects under ground rules that were known in advance to them. In this sense, the public housing impact has not been imposed upon the local area in quite the same way that the Federal Government can buy land and build a new military base without the consent of local government.

I think that expresses it in summary about as clearly as anything we could say. So what do we do now?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DOMINICK. I yield myself 5 additional minutes.

Public housing has nothing to do with a national Federal grabbing of property and impacting the district. The purpose of the impacted areas program was to take care of such a situation. Public housing does not result by virtue of a Federal activity in determining the location. It does not draw any significant number of children across district school lines. It is going to cost at least $236 million additional to fund it, if it ever gets funded. The average public housing payments under the bill as written now would be over twice the average loss of tax revenues involved in a move from private housing to public housing.

So we are compounding the problem instead of making it simpler to try to solve whatever inequities exist in the impacted area problem.

Let us get into the disparities, for a moment, which would occur in the bill if it were funded.

I may as well go into some specifics which I cited in the RECORD yesterday, and which I shall repeat today.

Nevada, New Hampshire, and Vermont have an almost identical low-income population. However, under the bill as written, Nevada would receive approximately six times more funds than Vermont, while New Hampshire would receive eight times more than Vermont.

Virginia and Colorado have approximately identical numbers of low-income children, but Colorado would receive $1.6 million, if the bill were fully funded, and Virginia $4.5 million. Virginia would receive some three times more than Colorado would receive, with approximately the same number of low-income children. So if we consider it as a way to assist big cities, we get some real disparities. This is what the Battelle report states:

> If inclusion of public housing is considered as a way to assist the big cities with educational problems, it provides extreme disparities in assistance. It is difficult to find a rationale that would indicate that big city problems in Boston are so much worse than those in Los Angeles that Boston should receive 11 times as much per pupil as Los Angeles. Likewise it is difficult to imagine that Nashville differs from Louisville so much as to justify payment some 9 times as much per disadvantaged pupil residing in Nashville as in Louisville. These perverse distributions result from the fact that the incidence of children in public housing is only remotely related either to the total educational problem of large city systems or to the disadvantaged children in various systems.
>
> In short, if the problem to be solved is big city education or education of the disadvantaged it will always be both more equitable and more efficient to address those problems directly rather than trying to address them through public housing allocations under impact aid.

That, it seems to me, summarizes the situation that we have here. There is only one more point that I wish to make, and I address this largely to the members of the Appropriations Committee. I think they know, and I certainly suspect, that once this becomes a line item bill before them, every possible pressure, from every group you can think of—everyone wants more money for their schools, and I do not blame them; I think it is great—all the pressures in the world are going to be there, to try to get it funded. Then other groups are going to come in and say, "You did this under the impacted area program for families in public housing units, which is a federally guaranteed program; we ought to do it for other federally guaranteed programs." We are going to get into an endless number of different federally guaranteed programs. I certainly do not think we ought to start out with that type of situation in this particular bill.

Mr. President, I reserve the remainder of my time.

Mr. PELL. Mr. President, I yield the ranking minority member of the committee as much time as he may require.

Mr. JAVITS. Mr. President, I shall take 8 minutes.

I think the first thing to do is deal with this Battelle study. The Battelle study makes the finding that there is some inequity in doing what we have tried to do in the committee, but its essential finding is that if it is done, they think it ought to be done with Federal education funds—page 9-4—rather than Federal housing funds. That is their general idea.

They suggest, therefore, that public housing children be omitted, but they also suggest very material reforms in the rest of Public Law 874. It seems to me most unfair if we seek to enforce that part of the Battelle report which results in killing off the public housing children, but we do not enforce that part which maintains the inequity and injustice which is inherent in Public Law 874.

For that reason, Mr. President, I say that the Senator from Louisiana (Mr. ELLENDER), one of the original three authors of the Taft-Ellender-Wagner bill, which I had the honor to sponsor when I was a brandnew Representative in the other body, has put it absolutely right. What he said, Mr. President, is that the law has been abused, and he does not want to abuse it further.

I do not want to abuse it, either, Mr. President. That is why I think it is time to make it a little fairer than it is. This law has been in existence since September of 1950 and you can no more justify the children of post office workers being loaded on impacted areas than the man in the moon. The same applies, of course, to children of Senators and Representatives as well.

This whole program has become embedded in the educational system of this country; and, once embedded, it is hard to root it out. One-quarter of the school districts of this country benefit from impacted area aid, and a total of 2.6 million children are involved.

Yet only 348,000 of those children are the children of parents who both live and work on Government reservations, so-called "A" children. That is some little indication, Mr. President, of how this program is being abused. It is being abused to the extent of about 85 percent. What we are being told by the Senator from Colorado and the people with him is, "You fellows with public housing projects just stay off our preserve. We do not wish to lose what we have. Just leave it with us."

That is the bare, bald fact of it, Mr. President, and that is all there is to it. You can make just as good a case for public housing children as for any other children covered here, except perhaps children of those who live and work on Government reservations. I will except them; but that group is only about 15 percent of the total.

Why do I say you can make as good a case? In the first place, the way Federal public housing works, no taxes are paid to the local municipality except some $11 in lieu of taxes per child as indicated in the committee report. Mr. President, with the costs of education anywhere running at an average from $700 to $1,200 annually a child, no matter how cheaply you do it, you can see what happens to local communities subjected to that kind of impact.

It is not a fact that all the Federal Government does is finance public housing when it is built. It pays an annual subsidy in respect of public housing, and makes an annual payment in lieu of taxes. It is an ongoing activity of the Federal Government, in every budget we write.

Mr. PELL. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. PELL. Is it not correct that even that pittance of $11 a year does not go to the school district, but to the local municipal government?

Mr. JAVITS. The Senator is exactly right.

Mr. ELLENDER. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. ELLENDER. The Senator says the amount paid is what?

Mr. JAVITS. Eleven dollars per child.

Mr. ELLENDER. The law requires the public housing agents to pay 10 percent in lieu of taxes, an amount equal to 10 percent of the rent collected from the people.

Mr. JAVITS. That is correct.

Mr. ELLENDER. That certainly amounts to more than $10.

Mr. JAVITS. I know. All I am saying is that the allocated part of that payment in lieu of taxes attributable to education, per child, is an average of a few cents over $11 a child. That 10 percent covers lots of other things—police, fire, streets, traffic, garbage, and everything else.

Mr. ELLENDER. I am sure the Senator realizes that by the construction of public housing, your police force is reduced a good deal, and many other things are cut from the city budget because of the fact that they have public housing there.

Mr. JAVITS. Oh, not at all.

Mr. ELLENDER. That was one of the reasons why some people advocated that public housing be constructed.

Mr. JAVITS. As a practical matter, that is not so. As a practical matter, municipal budgets have not been cut because of public housing. And that certainly was not the basic reason why I sponsored the House bill. I cannot say about the Senator from Louisiana, but my basic reason was that people should live decently, instead of like subhuman creatures, in structures worthy of our country. That was one of the noble motives for the Taft-Ellender-Wagner Act when it was passed in 1948.

So I respectfully submit, Mr. President, that the $11 figure, insofar as it represents a proportionate share for each child in public housing, is absolutely correct.

Mr. President, we have a way of doing rough justice around here. When it is aborted, as passage of this amendment would do, it is going to work out badly for everyone, for us as well as for those who have had the benefit, for 18 years, of this impacted area aid. The administration is after this, and if we are going to make it inequitable, they may be right. Just as we have in the past stood with Members from many areas in behalf of this Federal impact aid, we want it now, and we ask them to stand with us. The logic is the same for both; and I hope, Mr. President, that we will not cast a vote which will take a one-sided view of this situation. Yet that is what it comes down to, in essence.

There are 2.6 million children involved.

I repeat, because that is the critically important argument now, that only 348,000 of those children have parents who live and work on Federal Government property. The rest has been added on and on and on, Mr. President.

Now we are suddenly going to get highly moral about the whole thing, and cut out the children who live in public housing. That is all the amendment amounts to. It seems to me that the Senator from Missouri (Mr. EAGLETON), the author of this amendment——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. JAVITS. I take one additional minute.

It seems to me that Senator EAGLETON, the author of the amendment, has certainly demonstrated his good faith by accepting the proposition of a separate line item in the budget with respect to the children in public housing. If the Appropriations Committee chooses not to give it any money, or to give it less money, or to use another formula, it is perfectly free to do it, and we must accommodate ourselves to that. But to cut it out—and that is the purpose of this amendment, to eliminate it—it seems to me, Mr. President, is unjust and discriminatory against children who are in exactly the same class as 85 percent of the children who get the benefit of it now, and is a most unwise exercise of our discretion, unless we are ready to reform and revamp the whole system. When we are ready, as the late Everett Dirksen used to say, the hide will go with the hair; public housing children will go with many of the other children. But until we are, it seems to me that elementary fairness requires an even application of this doctrine, which has now been built up for so many years, and, in justice to this particular group, has been so long delayed.

For those reasons, Mr. President, I hope the amendment will be defeated.

The PRESIDING OFFICER. Who yields time?

Mr. DOMINICK. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Chair feels that he should advise the Senator that is all the time he has remaining.

Mr. DOMINICK. Is that all I have left? Then I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. PELL. I yield 5 minutes to the Senator from Missouri.

Mr. EAGLETON. Mr. President, I should like to clarify a couple of the points that have been raised by both the Senator from Louisiana (Mr. ELLENDER) and, indirectly, the Senator from North Carolina (Mr. ERVIN).

The Senator from Louisiana has pointed out that there is a difference between the creation of a military base and the creation of public housing, in that in one instance the Federal Government took the initiative and in the other instance the Federal Government did not. I submit that insofar as public housing is concerned the Federal Government did take the initiative when it enacted the basic body of law authorizing the creation of public housing authorities.

But even more important than quibbling about who began what, the end result—the impacted result—is the same. When public housing is created in a given school district, that property goes off the tax rolls. It leaves the school district with the burden of educating the children who live in the public housing, without the necessary property tax revenue to adequately provide for that education.

Whether it be a military base or a public housing project, the consequences of both acts flowing from the initial activity of the Federal Government are the same. Taxable property is taken off the tax rolls, children are placed in local school districts, and the school districts are not given the wherewithal to finance that education but for the Federal impacted aid program.

I think that the figure as quoted by the Senator from Louisiana as to the total cost of this program may not have been accurate. Our figure indicates that the cost of this additional program would be $225,000 if funded fully.

Mr. ELLENDER. I obtained the figures from the Senator's hearings. The present amount is $652 million.

Mr. EAGLETON. That is correct.

Mr. ELLENDER. And the additional amount would be in the neighborhood of $400 million.

Mr. EAGLETON. No, sir. It is a point of difference, but I think our figures indicate $225,000. These are the most recent and corrected figures. Be that as it may, no one expects that it would be funded to the full amount.

Both Senators ELLENDER and DOMINICK have pointed out that this program is in disrepute. It is in disrepute. The chief reason for it being subject to challenge is that there is no need factor related to impacted aid. Every district gets it, regardless of whether there is a proven financial need for it or not. The attraction of including public housing is that there is an obvious, unquestionable need in school districts containing significant amounts of public housing.

We have placed on the desk of each Senator a table indicating the districts which would receive the largest amounts under this program if it were fully funded. The two in my State, St. Louis and Kansas City, are virtually on the verge of bankruptcy.

In looking down this list—whether it is Birmingham, Huntsville, Mobile, Los Angeles, San Francisco, Tampa, Chicago, East St. Louis, Atlanta, or what have you—I think that each Senator, in examining the financial needs of his own State, will know that school districts of that caliber are exceedingly hard pressed financially. These large school districts of our Nation are in acute and unquestioned need.

The children who live in public housing are in the lower socioeconomic level. I think it enhances the quality of the impacted aid program to consider the inclusion of public housing students, even though it be a separate line item, separately funded.

I also wish to point out that the Senator from Colorado, in his reliance on the Battelle report, focuses all of his reliance on one chapter of that report. Indeed, the Battelle report is critical of this public housing concept. But the Senator from Colorado does not go on to say that he adopts the rest of this $180,000 report. I do not care how much the report costs. I do not care if it costs 10 cents or $10 million. The cost of the report is of no consequence. What is of consequence is what is contained in the report. If the Senator from Colorado adopts the chapter on public housing and says that is the law, that is the Bible. what about those parts of the report that are highly critical of class "B" and say that class "A" aid ought to be paid before we get to class "B"? If he wishes to adopt the report in its entirety, that is his own business.

For myself, I do not believe in the Battelle report, regardless of its price. I think it is wrong, regardless of its label.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. EAGLETON. One additional minute.

We hear today and have heard previously much talk about the inequities of the impacted aid program, that it is under fire, that it is in disrepute, and so forth.

I can well recall the night, and I am certain every Senator now in the Chamber can recall the night, shortly before Christmas, when the impacted aid appropriation was considered on the Senate floor. This is the impacted aid program which purportedly is so much under fire that it is going to crumble any minute. This is the program which purportedly is being shot at from the left, from the center, and from the right—from the White House and from Battelle. This is the program which is about to go under. Yet, when the Senator from Colorado (Mr. ALLOTT) offered an amendment to increase impacted aid, it was accepted almost unanimously by acclamation. The Allott amendment to increase impacted aid appropriations by $60 million was adopted by a vote of 73 to 9. I voted with the 73. Now, Mr. President, I ask is this a program which is about to crumble, which will perhaps meet its political and legislative demise if we include public housing students in a "C" category, separately funded? Of course not. The impacted aid program has considerable political muscle and vitality. It will gain even greater vitality by the inclusion of those in demonstrable need, the public housing students of this country.

Mr. PEARSON. Mr. President, I oppose the pending amendment which would strike that section of the bill which includes children from public housing developments in impacted areas funds.

One of the arguments used by the proponents of this amendment is that impacted area funds are presently under fire. The reason impacted aid is under fire is that it is not geared to need. I can certainly agree that the whole impacted areas aid should be looked into.

But the inclusion of children from public housing areas in impacted aid funds introduces a very definite need factor. I think everyone must agree that those children in public housing, by virtue of the fact they reside where they do, are on the low end of the socioeconomic scale. Where else could you find children more in need of educational assistance?

The Senate yesterday already amended section 203 of the bill by adopting an amendment which, in essence, creates a

separate line item for funding for public housing children. Therefore, as the bill now stands, funding for public housing children does not conflict with or threaten present "A" and "B" categories under Public Law 874.

School districts impacted by public housing do need help, and this help will be a benefit to all students in those overcrowded school districts. It is estimated that there are approximately 2,446 public housing pupils in my State of Kansas, with approximately 1,578 of them in Kansas City, Kans., alone. Under section 203 of the bill as it now stands, this would mean that an additional $440,280 would come into Kansas to help with the education of these children.

This table further projects that in the near future there will be approximately 9,712 public housing pupils in Kansas, which would give us an additional $1,748,160 under section 203.

Mr. President, there is quite a bit of unrest in my State now over the rising property taxes. I do not feel that we should deny the affected school districts in Kansas these additional funds, and must urge that this pending amendment No. 482 be rejected.

Mr. DOMINICK. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Colorado has 3 minutes remaining, and the vote will occur in 4 minutes.

Mr. DOMINICK. I will take the remainder of my time at this point.

I must say that I have a great fondness for my distinguished colleague the Senator from New York and my distinguished colleague the Senator from Missouri. As I listened to them, I became more and more entertained.

What they really are saying is that if we have dirty water now, it does not make any difference if we pollute it further; if we have a program which has inequities now, we can pour more inequities into it, make it a worse program, but it is only fair, so go ahead and do it. In view of the environmental problems and the finance problems and everything else we have in this country, I cannot buy that.

Another point I wish to raise is the question of what we are going to do about changes in the present impact aid program. Specific changes are recommended by the Battelle report. The administration at the present time is preparing other proposals in the form of proposed legislation which will be presented to the committee. However, the existing impacted area aid law expires on June 30; and with all the work we have between now and June 30, it seems unlikely that we would get a change in this program through both Houses and into law before June 30. So we have to keep the impacted area program going until we can get that settled. It does not mean that in the meanwhile we have to increase the problems that the program has; and if we put public housing within the terms of the impacted area program, we will certainly increase the problems beyond all belief.

One last point—and I will discuss it briefly—is the school finance problem. The Senator from Missouri, himself, said Wednesday that the key issue is the question of how we are going to finance local school districts. In order to get at that very thing, which has never really been looked into, Senator MONDALE and I cosponsored an amendment which is in the bill at the present time, under the Cooperative Research Act, to have extended and detailed research and study of what the best methods of funding of the public school system in this country should be. I think this eliminates the question of whether or not we should just pour additional funds in for public housing under the so-called guise of an impacted area program, thereby throwing further discredit on the program, and further making difficult the problems we now face in school finance.

I urge everyone to get back on the track, and let us approach the public housing problem in a rational and orderly manner.

Mr. PELL. I yield the final minute on the amendment to the senior Senator from New York.

Mr. JAVITS. Mr. President, the essence of the argument is contained in section 201 of the bill. It says that Public Law 874 and Public Law 815, which expire on June 30, 1970, are to be extended for 4 years. So what is being asked for is a new extension of this program. We could change it or kill it now. We are not going to do that. As I said when I began—and I have the same feeling for the Senator from Colorado (Mr. DOMINICK) that he has expressed for me—we are trying to do a rough measure of justice for the impacted areas. I know that there are many imperfections and many difficulties involved, but in due course I hope that we will deal with them. But right now we are extending it for 4 years. The case we are making is that if we want to do justice in its extension we should let it cover everything it should cover.

For that reason, Mr. President, I hope that the strike out will be rejected.

Mr. SCHWEIKER. Mr. President, I rise in support of H.R. 514, the Elementary and Secondary Education Amendments of 1969.

This comprehensive bill is the product of several months of work by the Subcommittee on Education and the full Committee on Labor and Public Welfare. As a new member of the Subcommittee on Education and of the full committee this past year, I have admired the leadership shown on this bill by the chairman of the subcommittee, the distinguished Senator from Rhode Island (Mr. PELL) and by the able ranking minority members of the subcommittee, the Senator from Vermont (Mr. PROUTY) and the Senator from New York (Mr. JAVITS).

This bill extends for 4 years the authorizations for various titles of the land mark Elementary and Secondary Education Act of 1965, which is due to expire next June 30. The Adult Education Act of 1966 is extended for another 4 years, as are Public Laws 815 and 874, the impact aid programs for schools in federally affected areas. Six vocational education programs due to expire June 30 are extended for an additional 2 years in an amendment which I sponsored in the subcommittee.

Yet while the bill represents a commitment to continue a host of education programs, significant reforms are made in the bill. The changes made in title I, ESEA, and the impact aid programs are designed to put more of these Federal dollars to work for schoolchildren and schools most in need of assistance. The Adult Education Act is made to cover not just "basic education," stopping at the eighth grade, but the full high school course of studies.

Changes are made in ESEA in order to encourage more school programs for gifted and talented children. I strongly endorsed this idea when I cosponsored the original separate bill for this purpose, S. 718, which Senator JAVITS had introduced. Local education agencies will gain a greater opportunity to foster school innovation, thanks to some amendments to title V, ESEA, in this bill. These amendments are based on S. 1734, another bill of which I was a cosponsor with Senator JAVITS as the principal sponsor.

Finally, the bill provides a new 5-year handicapped education program for children with specific learning disabilities, a type of handicap which has not received sufficient attention under existing programs.

REFORMS IN TITLE I, ESEA

Title I of ESEA, the program to aid disadvantaged students in elementary and secondary schools, is the largest single Federal school aid program. President Nixon is requesting $1.3 billion in fiscal year 1971 to operate title I alone. But recent studies of title I, both by the Office of Education and by nongovernmental groups such as the Washington research project, point to numerous abuses in the distribution of title I funds.

In certain localities, State and local funds have been diverted away from schools receiving title I funds, so that title I funds, in fact, merely supplant local efforts, instead of augmenting them. The bill seeks to remedy this problem by imposing a strict prohibition on the supplanting of State and local funds with title I funds.

In too many cases, the studies found, title I funds are used for capital projects rather than teaching programs, for general school needs rather than the particular needs of disadvantaged children, and for schools in more privileged neighborhoods rather than schools in "target" areas. Public disclosure of title I activities has been frequently lacking in many communities, and citizens have often not been allowed an adequate voice in the programs financed by title I.

The committee report on the bill and the supplemental views filed by the minority both urge vigorous action by the Office of Education in enforcing the laws and regulations already on the books for managing title I. And the bill itself takes steps to strengthen the present law. It contains the provision barring supplementation of State and local funds with title I funds. And it includes a provision sought by the administration, which I

strongly supported, calling for parent and citizen involvement in the planning, development, and operation of title I projects.

Another key provision of H.R. 514 will help redirect title I funds to more communities that truly need and deserve additional funds for educating disadvantaged schoolchildren.

Urban and rural schools with the highest concentrations of title I eligible schoolchildren will receive special grants for the first time. The distinguished Senator from California (Mr. MURPHY) pioneered this concept for improving title I when he introduced his "Urban and Rural Education Act" last July 15. I am pleased that the committee saw fit to adopt the Murphy proposal, in modified form, as part of H.R. 514, since it is a sound proposal for focusing special title I resources on the school areas most in need. In my own State, the school superintendents of Philadelphia and Pittsburgh have both strongly endorsed the Murphy proposal.

IMPACT AND REFORM

In addition to the reforms made in title I, ESEA, the bill also enlarges the scope of the impact aid program. Impact aid now goes to localities on the basis of the number of schoolchildren who live on Federal property or whose parents are Federal employees. Under H.R. 514 impact aid would go as well to localities according to the number of children who reside in public low-rent housing.

I regard this change in impact aid as badly needed in our hard-pressed urban school systems, and also fair and equitable. Just as a large military base can create an acute need for more schools in a rural area without contributing to the tax revenues of the community, the same can be true of a large, essentially tax-free public housing project in a core city.

The benefit of such a change in the impact aid program for my own State would be quite significant. Currently Pennsylvania schools receive an estimated entitlement of $11.3 million under impact aid.

However, if the estimated 83,500 children living in low-rent public housing in Pennsylvania were to constitute an additional basis for impact aid, the entitlement for Pennsylvania would increase by almost $17 million. Impact aid has been strongly criticized recently for tending to favor some wealthier communities. Yet the impact aid generated by children living in public housing would tend to go to communities with significant numbers of poor families, where rising general school costs and increased emphasis on compensatory education for disadvantaged children have put school system after school system in a financial vise. This is why I have strongly supported the inclusion of children living in public housing in the formula for impact aid.

VOCATIONAL EDUCATION

In title VII of H.R. 514, six vocational education programs enacted in 1968 are extended from 1970 to 1972. The six programs are special vocational programs for disadvantaged students, grants for State residential vocational school facilities, interest subsidies to States for construction of residential vocational schools, vocational work-study funds, curriculum development and teacher training.

I was pleased to sponsor the amendment in the subcommittee to extend these six programs as part of the bill H.R. 514. They are part of the forward-looking Vocational Education Act of 1968, of which I was a cosponsor when I served in the House of Representatives. While these six programs were due to expire on June 30, 1970, four other nonpermanent programs under the VOA are not due to expire until June 30, 1972. The effect of my amendment to H.R. 514 is to give all 10 of the nonpermanent programs under the VOA a uniform expiration date.

The Vocational Education Act of 1968 was a far-reaching, ambitious blueprint of Federal aid to a vital aspect of American education. Vocational education has too long been saddled with second-class citizenship in the world of education. Students who are not enrolled in a purely vocational curriculum could benefit from more vocational training, and students who do specialize in vocational courses need imaginative training that keeps pace with the rapidly changing world of work itself.

I hope that within the next 2 years the committees of Congress concerned with vocational education legislation will continue to study the needs in this critical field and how existing legislation is meeting them, so that any further extension of the VOA beyond June 30, 1972, will be based on thorough and comprehensive oversight by Congress.

In addition to my offering the amendment to extend six vocational programs for 2 more years, I also asked the committee to take note of the importance of reviewing title I ESEA, programs in part on how well they meet vocational education goals. The committee has done this, in both the bill and in the committee report.

H.R. 514, in listing the duties of the National Advisory Council on the Education of Disadvantaged Children, requires that the council review title I programs for their "effectiveness" in meeting "occupational and career needs" of disadvantaged children. This language was added to section 112(a) of H.R. 514 at my request.

In addition, the committee report states, at page 17:

> The committee wishes to stress the importance of Title I projects in meeting the occupational and career needs of disadvantaged children and expects that persons familiar with occupational education will serve on these advisory councils.

Another amendment of mine adopted by the committee was to recognize vocational education specifically as one of the aspects of education for which local education agencies could receive consultative and technical assistance funds under title V, ESEA. Title V funds go toward the strengthening of State and local education agencies.

What I hope these changes in ESEA will do is encourage more cooperation between vocational education and general education. I feel there is much to be gained from bringing the two closer together, for the improvement of the total educational quality of our school system.

CHILDREN WITH SPECIFIC LEARNING DISABILITIES

Mr. President, H.R. 514 breaks important new ground by providing, in title VI, a new 5-year program for children with specific learning disabilities. The committee chairman, the distinguished Senator from Texas (Mr. YARBOROUGH), originally proposed this in his bill, S. 1190. It would authorize funds for research, training of teachers and establishment of model centers where children with learning disabilities could be tested and their education improved.

This new program will help meet the serious national need for research and teacher training to help the roughly 1 million American schoolchildren with specific learning disabilities. New legislation is needed because existing Federal programs for education of the handicapped cannot adequately deal with the special research and training needs of this handicapped group at the present time. The fact is that we need to know much more about how these problems start and how they can be corrected.

Specific learning disabilities are handicaps, caused by neurological and psychological factors, that impede a child's ability to listen, think, speak, read, write, spell, or do mathematics. I have long been interested in the problems of these children, who find they cannot keep up with regular work in school and who, unless they are properly helped, often become so-called "problem children" in every sense of the word.

Pennsylvania has a particularly active State Association for Children With Learning Disabilities, made up chiefly of parents of such children. The National Association for Children With Learning Disabilities, as a matter of fact, will be holding its seventh annual international conference February 12 through 14 in Philadelphia.

For some years I have served on the board of the Pathway School in Jeffersonville, Pa., one of the country's most outstanding private institutions for the education and treatment of children with specific learning disabilities. So I am keenly aware of the learning disabilities problem and the acute need for more work with children who have them.

The House of Representatives, on October 6, passed a similar legislation for children with specific learning disabilities. I am confident that we will bring out of conference a measure that will go far to deal effectively with the problem of children's specific learning disabilities.

Mr. President, I urge that the Senate give its strong support to the passage of H.R. 514, the Elementary and Secondary Education Amendments of 1969.

Mr. BYRD of West Virginia. Mr. President, I shall vote for the Dominick amendment because public housing is not federally owned nor is it federally initiated. It is initiated at the local level. Placing public housing under impact aid instead of other alternatives would result in wide disparities in benefits. More-

over, the average public housing payments under the bill would be more than twice the average loss in tax revenues involved in a move from private to public housing. I think we will open up a broad new spending program if the Dominick amendment is not adopted, and the costs will increase as we get further down the road.

I realize that some additional money would go to my State, but I do not feel such a program can be justified in the face of growing inflation. We must exercise some restraint on Federal spending because it is the greatest contributor to inflation. I am thinking of the taxpayers who pay the bill and I am also thinking of people on low, fixed incomes who are being squeezed into a smaller and tighter straitjacket by growing inflation. Public housing should not be added to the impact aid program.

I, therefore, shall cast my vote in support of the Dominick amendment.

The PRESIDING OFFICER. All time has now expired on the amendment.

The question is on agreeing to the amendment of the Senator from Colorado (Mr. DOMINICK).

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MATHIAS (after having voted in the negative). On this vote I have a pair with the distinguished Senator from Delaware (Mr. BOGGS). If he were present and voting, he would vote "yea"; if I were at liberty to vote, I would vote "nay." I withdraw my vote.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Connecticut (Mr. DODD), the Senator from Tennessee (Mr. GORE), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Texas (Mr. YARBOROUGH) are necessarily absent.

I further announce that, if present and voting, the Senator from Texas (Mr. YARBOROUGH) would vote "nay."

Mr. YOUNG of North Dakota. I announce that the Senator from Colorado (Mr. ALLOTT), the Senator from Tennessee (Mr. BAKER), the Senator from Delaware (Mr. BOGGS), the Senator from Massachusetts (Mr. BROOKE), the Senators from Kentucky (Mr. COOPER and Mr. COOK), the Senator from Arizona (Mr. GOLDWATER), the Senator from Michigan (Mr. GRIFFIN), the Senator from Nebraska (Mr. HRUSKA), the Senator from Iowa (Mr. MILLER), the Senator from California (Mr. MURPHY), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) and the Senator from Alaska (Mr. STEVENS) are absent because of illness.

The Senator from Oregon (Mr. PACKWOOD), the Senators from Illinois (Mr. PERCY and Mr. SMITH), the Senator from Ohio (Mr. SAXBE) and the Senator from Pennsylvania (Mr. SCOTT) are absent on official business.

If present and voting, the Senator from South Dakota (Mr. MUNDT) would vote "yea."

The pair of the Senator from Delaware (Mr. BOGGS) has been previously announced.

On this vote, the Senator from Colorado (Mr. ALLOTT) is paired with the Senator from Illinois (Mr. SMITH). If present and voting, the Senator from Colorado would vote "yea" and the Senator from Illinois would vote "nay."

On the vote, the Senator from Kentucky (Mr. COOK) is paired with the Senator from Texas (Mr. TOWER). If present and voting, the Senator from Kentucky would vote "yea" and the Senator from Texas would vote "nay."

On this vote, the Senator from Kentucky (Mr. COOPER) is paired with the Senator from Massachusetts (Mr. BROOKE). If present and voting, the Senator from Kentucky would vote "yea" and the Senator from Massachusetts would vote "nay."

The result was announced—yeas 32, nays 43, as follows:

[No. 36 Leg.]

YEAS—32

Aiken	Eastland	Long
Allen	Ellender	McClellan
Bellmon	Ervin	Prouty
Bennett	Fannin	Smith, Maine
Bible	Fulbright	Sparkman
Byrd, Va.	Gurney	Stennis
Byrd, W. Va.	Hansen	Talmadge
Cotton	Holland	Thurmond
Curtis	Hughes	Williams, Del.
Dole	Jordan, N.C.	Young, N. Dak.
Dominick	Jordan, Idaho	

NAYS—43

Anderson	Inouye	Pastore
Burdick	Jackson	Pearson
Cannon	Javits	Pell
Case	Magnuson	Proxmire
Church	Mansfield	Randolph
Cranston	McCarthy	Ribicoff
Eagleton	McGee	Russell
Fong	McGovern	Schweiker
Goodell	McIntyre	Spong
Gravel	Metcalf	Symington
Harris	Mondale	Tydings
Hart	Montoya	Williams, N.J.
Hartke	Moss	Young, Ohio
Hatfield	Muskie	
Hollings	Nelson	

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Mathias, against.

NOT VOTING—24

Allott	Goldwater	Packwood
Baker	Gore	Percy
Bayh	Griffin	Saxbe
Boggs	Hruska	Scott
Brooke	Kennedy	Smith, Ill.
Cook	Miller	Stevens
Cooper	Mundt	Tower
Dodd	Murphy	Yarborough

So Mr. DOMINICK's amendment was rejected.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. EAGLETON. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. DOLE in the chair). The bill is open to further amendment.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

LEGISLATIVE PROGRAM

Mr. HATFIELD. Mr. President, I would like to inquire at this time if the distinguished majority leader is in a position to give us an idea of the program for the rest of the day and for the weekend.

Mr. BYRD of West Virginia. Mr. President, before the Senator responds, will the Chair ask that the Senate be in order and ask the attachés to take their seats and ask the Senators to take their seats with the exception of those participating in the colloquy concerning the program.

The PRESIDING OFFICER. The Senate will be in order. Attachés will please take their seats in the rear of the Chamber.

Those Senators not participating in the colloquy will please take their seats.

The Senate will be in order.

The Senator may proceed.

Mr. MANSFIELD. Mr. President, in response to the question raised by the distinguished acting minority leader, it is my understanding that the able Senator from Maine (Mr. MUSKIE) has an amendment, that the able Senator from Missouri has an amendment, and that the able Senator from New York (Mr. GOODELL) may have an amendment. Are there any others outside of the Ervin and Stennis amendments?

Mr. CASE. Mr. President, I may have an amendment.

Mr. MANSFIELD. Then there is a possibility of four amendments, as I see it.

Mr. JAVITS. Mr. President, I have heard some rumor that the Senator from Ohio (Mr. SAXBE) may have an amendment, but he is not in Washington, so I really cannot tell the Senator.

Mr. MANSFIELD. If he is not here he cannot offer it. It is my understanding that the amendment of the Senator from Mississippi (Mr. STENNIS) will not come up until Monday.

Mr. STENNIS. I think that is correct. Of course, if anyone wishes to debate it, it would be germane to the bill.

Mr. MANSFIELD. The Senator is correct.

Mr. President, on the basis of that information and that tentative count of amendments, it is to hoped we can complete the action on these four or five amendments, if they are available, tonight. This is not a carrot, but if we do, we will go over until Monday. If those amendments, outside of the amendments of the Senator from Mississippi and the Senator from North Carolina, are agreed to, it now looks as if we will not come in tomorrow.

ORDER FOR ADJOURNMENT TO 10 A.M., MONDAY, FEBRUARY 9, 1970

Mr. MANSFIELD. Therefore, Mr. President, in anticipation, I ask optimistically that when the Senate completes its business today it stand in adjournment until 10 o'clock a.m. on Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CASE. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. CASE. There is no agreement on limitation of time; is that correct?

Mr. MANSFIELD. The Senator is correct.

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS OF 1969

The Senate continued with the consideration of the bill (H.R. 514) to extend programs of assistance for elementary and secondary education, and for other purposes.

AMENDMENT NO. 484

Mr. EAGLETON. Mr. President, I have an amendment which was offered previously, printed, and then withdrawn. I now reoffer the amendment.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

SEC. 810. Section 4(a) of the Cooperative Research Act (Public Law 83–531) is amended by striking out "July 1, 1970" and substituting in lieu thereof "July 1, 1974," and by striking out "July 1, 1971," and substituting in lieu thereof "July 1, 1975."

Mr. BYRD of West Virginia. Mr. President, we cannot hear. We do not have order in the Senate.

The PRESIDING OFFICER. Will Senators take their seats. Attachés will take seats in the rear of the Chamber or remove themselves from the Chamber.

Mr. EAGLETON. Mr. President, earlier this morning there was some debate on this amendment. At that time the senior Senator from New York (Mr. JAVITS) wanted to examine into the funding and check it out with the administration. I now yield to the Senator from New York so that he may inform the Senate as to the result of his examination.

Mr. JAVITS. Mr. President, for the information of the Senate, I understand the situation is as follows: This is a 4-year program for the construction of educational research facilities, an entirely desirable program with an authorization of $100 million. Of that sum $32.4 million has been appropriated, and about $20 million of that $32.4 million has been spent. Three centers have been constructed. They were accounted for this morning. I believe the unspent amount is impounded by the Bureau of the Budget which does not wish to spend the money. The only import of the amendment would be to extend the authorization for whatever remains in it. It would be, in round figures, $68 million.

The Department of Health, Education, and Welfare considers this a desirable program. It seems to me, therefore, that the amendment should be accepted in view of the fact it is only an extension and not a new program that the extension is desirable, that the Bureau of the Budget is well seized of the existing appropriations and is controlling the flow of those funds, and that the Committee on Appropriations will have control of additional appropriations if any are sought.

I see no objection to the amendment. I state these facts for the benefit of the Senate. I have consulted with the ranking minority member on the Subcommittee on Education (Mr. PROUTY) who feels the same way.

Mr. PELL. Mr. President, as I said earlier when this amendment was first called up it seemed a good and logical move. I believe we should accept the amendment. I urge Senators to do so.

The PRESIDING OFFICER. The question is on agreeing to the amendment (484) of the Senator from Missouri. [Putting the question.] The amendment was agreed to.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum, unless someone has an amendment to bring up immediately.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MUSKIE. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment offered by the Senator from Maine will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. MUSKIE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 217, insert after line 14 the following:

"AMENDMENT RELATING TO THE AMERICAN PRINTING HOUSE FOR THE BLIND

"SEC. 809(a). The paragraph designated 'First' in section 3 of the Act entitled 'An Act to promote the education of the blind,' approved March 3, 1879 (20 U.S.C. 102), is amended to read as follows:

"'(A) Such appropriation shall be expended by the trustees of the American Printing House for the Blind each year in manufacturing and furnishing books and other materials specially adapted for instruction of the blind; and the total amount of such books and other materials so manufactured and furnished by such appropriation shall each year be distributed among all the public and private non-profit institutions in the States, Territories, and possessions of the United States, the Commonwealth of Puerto Rico, and the District of Columbia, in which blind pupils are educated. Each public and private non-profit institution for the education of the blind shall receive, in books and other materials, upon requisition of its superintendent, that portion of the appropriation as is shown by the ratio between the number of blind pupils in that institution and the total number of blind pupils in all of the public and private non-profit institutions in which blind pupils are educated. Each chief State school officer shall receive, in books and other materials, upon requisition, that portion of the appropriation as is shown by the ratio between the number of blind pupils in public and private non-profit institutions (in the State) in which blind pupils are educated, other than institutions to which the preceding sentence is applicable, and the total number of blind pupils in the public and private non-profit institutions in which blind pupils are educated in all of the States, Territories, and possessions of the United States, the Commonwealth of Puerto Rico, and the District of Columbia. The ratio referred to in each of the two immediately preceding sentences shall be computed upon the first Monday in January of each year, and for the purpose of such sentences the number of blind pupils in public and private non-profit institutions in which blind pupils are educated shall be authenticated in such manner and as often as the trustees of the American Printing House for the Blind shall require. For purposes of this Act, an institution for the education of the blind is any institution which provides education exclusively for the blind, or exclusively for the blind and other handicapped children (in which case special classes are provided for the blind); the chief State school officer of a State is the superintendent of public elementary and secondary schools in such State or, if there is none, such other official as the Governor certifies to have comparable responsibility in the State; and a blind pupil is a blind individual pursuing a course of study in an institution of less than college grade.

"'(B) The portion of the appropriation received by each chief State school officer, in such books and other materials under subparagraph (A) of this paragraph which represents the number of blind pupils in private non-profit institutions in such State in which blind pupils are educated shall be distributed among such institutions on the basis of the number of blind pupils in each institution as compared to the total number of such pupils in all of the private non-profit institutions in which blind pupils are educated in such State.

"'(C) All books and other materials furnished pursuant to this Act, and control and administration of their use, shall vest only in a public agency. Such books and materials made available pursuant to this Act for use of teachers and blind pupils in any State, Territory, or possession of the United States, the Commonwealth of Puerto Rico, and the District of Columbia in any school shall be limited to the books and materials which have been approved by an appropriate educational authority or agency of such State, Territory, possession, Commonwealth, or District, or any local educational authority thereof, for use, or are used, in a public elementary or secondary school therein.'.

"(b) The paragraph designated 'Fourth' of section 3 of the Act entitled 'An Act to promote the education of the blind', approved March 3, 1879, as amended (20 U.S.C. 102), is amended by inserting immediately after 'public', the following: 'and private non-profit'.

"(c) Section 4 of such Act is amended by inserting immediately after 'public', the following: 'or private non-profit'.

Mr. MUSKIE. Mr. President, I offer this amendment to H.R. 514, which would amend the American Printing House for the Blind Act to extend the services under this act to those blind children attending private, nonprofit schools.

My amendment is a simple one, consisting of the addition of the words "private nonprofit" to the sentence beginning "Each public institution for the education of the blind." Other similar adjustments would be made in the language of the act referring to purpose and method of expenditures.

At the present time, there are approximately 20,500 students receiving assistance through the services offered by the American Printing House for the Blind Act. However, there remain about 1,500 blind children attending private, nonprofit schools who are not considered eligible for assistance due to the language in the act which restricts aid to public schools.

These 1,500 children are severely limited in their educational opportunities. Although some States do permit assistance under this act to private schools, the special equipment which the private schools receive on loan from the

State education agencies is inadequate to meet the need.

The expense of providing special equipment for education of the blind is considerable. In view of escalating costs and an increased demand for diversity of programs, it is becoming increasingly difficult for private, nonprofit educational institutions to underwrite the cost of a special program for a small number of students.

The U.S. Office of Education estimates an average cost of $40 per child under the American Printing House for the Blind Act. Yet the cost of a supplementary tutorial services for educating each blind child, operated by a private nonprofit institution, will reach many times this estimate.

Because of the relatively small number of children that this amendment would affect, we need not fear that assistance presently being received by the States for distribution to the children registered in the public schools would be significantly reduced.

Moreover, we have the opportunity, with this amendment, to insure that all blind students shall have the same educational benefits, regardless of whether they attend private or public schools.

Mr. PELL. Mr. President, to me the amendment seems to have substantial merit. Blindness does not know any limitation because of race, religion, or any other reason. Children who are blind should be helped no matter whether the schools they attend are public or private. We have already arrived at the conclusion that it is perfectly proper for tax moneys to be used for textbooks and materials of that sort to help children no matter what schools they are in.

I would hope, depending upon the views of the ranking minority member of the committee, speaking for the administration, that we could accept the amendment.

Mr. JAVITS. Mr. President, obviously the deepest sympathy extends to the purpose of the amendment. It should be noted that if we do accept it, we will be amending an act not otherwise dealt with in the bill before us. H.R. 514 is an education act, and the American Printing House for the Blind Act is a separate law adopted in about the 1870's to deal with a tremendously compassionate problem.

I think really it was an oversight that we have not taken care of this matter sooner, because title VI of the ESEA, in dealing with State plans for handicapped children, provides for State plans to consider children who are enrolled—and I am referring to section 613(a)(2)—in private elementary and secondary schools.

It seems to me, therefore, it is only just, if we are reaching out to help handicapped children, even if it is with reference to another law not otherwise dealt with and covered, and certainly blind children are as handicapped as any children could be.

For those reasons, I find the amendment satisfactory.

I have consulted with the Senator from Vermont (Mr. PROUTY), who feels the same way. I understand the amendment will be satisfactory to the administration.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. PELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COTTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senate will be in order.

Mr. COTTON. Mr. President, the time limitation on debate on the so-called Dominick amendment had practically expired when I discovered on my desk, among other communications concerning the amendment, a letter addressed to me by one of the distinguished opponents of the amendment. It is characteristic of letters I have had occasion to receive through the years on such matters, calling attention to the fact that the State I represent, if the amendment were rejected, would gain a specific amount in dollars and cents.

Of course, I am sure that there was no intention to misrepresent. It is nothing new to receive this kind of communication, addressed to each Senator individually, indicating what he would do to his own State if he voted a certain way.

As one who has served on the Appropriations Committee for many years, and on the Health, Education, and Welfare Subcommittee of the Appropriations Committee, who knows the difference between an authorization and an appropriation, and who knows what happens to the appropriation for a program when you dilute it by adding new objectives, I happen to know, as a practical matter, that a vote against the Dominick amendment on my part would have been, inevitably, a vote to reduce any amount that my State might expect to receive from so-called impacted area funds.

I am not complaining about this matter, except that we all know that the impacted area funds are administered under an outmoded and, in many respects, an impractical and unfair formula. We all know that it should be revised and brought into focus. But I simply wanted to get into the RECORD the fact that some of these communications to individual Senators about what a certain amendment will do to the particular States they represent, are just pulling figures out of the air; and in this case, this particular communication to me was an absolute misrepresentation of what I know to be the facts.

I would have made this statement before the vote rather than after, but in voting for the Dominick amendment, as far as my own State is concerned—and I do not believe that Senators, who represent the entire country, should determine their votes just on the basis of what it does for or against their particular States, though we all have to have in mind the interest of our States—I was casting a vote to increase, not diminish, the funds for which my State would be eligible; and I shall make use of this letter in a newsletter to my constituents in my own State, to show an example, particularly to educators, school superintendents, and others interested in education, of the kind of fuzzy reasoning that we have to contend with from time to time in the Senate.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. COTTON. I yield.

Mr. DOMINICK. I am very thankful that the Senator made this comment. I did not refer to these letters, and of course a different letter for each Senator was put on every Senator's desk, depending on the State he came from. I think that the Senator who wrote the letters said, during the process of the debate, that the letter was applicable only if the entire amount was fully funded.

So he was not trying to fool anybody so far as the Senate is concerned. But I do feel that if these letters got out, generally speaking, without the explanation just given by the Senator from New Hampshire, we would find ourselves in some trouble with superintendents and other people interested in the education field who do not understand how Congress works.

I appreciate the Senator's comments. I think they have cleared the air.

Mr. COTTON. It is not quite true that it is applicable only if the full amount is funded, because it is also affected by the proportion of concentration of public housing in one State over another State; and a State in which there are fewer public housing units would not benefit as well under the system in the present bill. For example, with this provision in the bill, New York State, it is estimated, would receive $43,000,000, an amount far in excess of any other State.

I am not raising this issue—merely because of this letter from one Senator, whom, incidentally, I hold in high regard, and who I know was perfectly sincere in what he was attempting to do. But this is a sample of the kind of letters we receive, particularly on these authorization bills, and they result in a misunderstanding in the States we represent.

I simply call it to the attention of the Senate now as an example of a practice that I believe should be exercised with care and restraint.

Mr. GOODELL. Mr. President, I offer an amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 204, line 2, strike out the word "and".

On page 204, line 5, insert before the period the following new clause:

"and (D) disseminate new methods or techniques for overcoming learning disabilities to educational institutions, organizations and agencies, within the area served by such center and evaluate the effectiveness of the dissemination process. Such evaluation shall be conducted annually after the first year of operation of a center.

Mr. GOODELL. Mr. President, my amendment is a simple but, I think, important amendment to the section of the bill dealing with special programs for children with specific learning disabilities.

Children with specific learning dis-

abilities often respond very quickly to therapy. The causes of learning disabilities are multifaceted—that is, lack of visual perception, lack of eye-hand coordination, psychological blocks.

Different techniques must be used with each child to emphasize his strengths or his deficiencies.

Establishing model programs in schools for dyslexia, aphasia, perceptual handicaps, and so forth would require considerable resources. This is a long-term effort which should be done. In addition, however, a short term strategy is needed. Teachers are very often able to treat disabled children by trial and error with new techniques. Such techniques, developed by the model centers, must be made available to teachers immediately so that children in elementary and secondary schools can benefit from them.

Also, the techniques must be made available to teacher-training institutions and universities so that prospective teachers will be aware of new approaches to teaching children with learning disabilities.

Learning disabilities must be identified and corrected at an early school age so that the child can actively and fully benefit from his education.

Unfortunately, many children go through school with an undiscovered learning disability. Falling behind in school and being called lazy, or slow, encourages these children to terminate their education at an early age. As dropouts they are faced with underemployment or, worse, unemployment.

My amendment would require that these model centers set up dissemination procedures for these new techniques, and it would require an annual evaluation of the dissemination techniques every year, beginning 1 year after the model center goes into operation.

The amendment would encourage teachers to identify and treat those children who have difficulty learning, by providing them with the tools necessary for remediation.

I believe it is a noncontroversial amendment which should be accepted by the committee, and I understand that the administration is not opposed to the amendment.

Mr. JAVITS. Mr. President, I have consulted with the administration about this amendment. They feel that by closely reading the language of section 661, under part (g), special programs for children with specific learning disabilities, one might read in what Senator GOODELL proposes to insert. But they see no reason why, in order to make it eminently clear that Senator GOODELL's objectives are desirable that it should be included. Hence, I see no objection to the acceptance of the amendment.

Mr. PELL. Mr. President, I agree with the view of the senior Senator from New York that what this amendment really does is to spell out what I believe was the intent in connection with the writing of the bill. I recommend acceptance of the amendment of the junior Senator from New York.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. JAVITS. Mr. President, so far as I know, we have satisfied the majority leader's conditions, in that there are no other amendments I know of that are likely to be presented this afternoon.

Mr. GOODELL. Mr. President, I wonder if we could have a moment for me to engage in a colloquy to clarify a point of legislative history.

Mr. PELL. Certainly.

Mr. GOODELL. Mr. President, I am concerned with the section on page 176 of the bill which deals with the definition of the term "children with specific learning disabilities." I am particularly concerned with the last sentence, which reads as follows:

> Such term does not include children who have learning problems which are primarily the result of visual, hearing or motor handicaps, of mental retardation, of emotional disturbance, or of environmental disadvantages.

It is my understanding that this program is not designed for the child who is emotionally disturbed in total behavior or whose learning disability is primarily the result of environmental disadvantages. Emotionally disturbed children are served under title VI, and other programs for the handicapped. The environmentally disadvantaged are served under title I. Is that correct?

Mr. PELL. The view of the Senator from New York is correct.

Mr. GOODELL. However, a child who has a mild emotional barrier to learning and shows signs of specific learning disability is included under this section. Is that correct?

Mr. PELL. Once again, the Senator from New York is correct.

Mr. GOODELL. And a child from a disadvantaged environment who demonstrates a specific learning disability is also included in this section. Is that correct?

Mr. PELL. The Senator is correct.

Mr. GOODELL. I thank the Senator from Rhode Island for clarifying those matters. There is a great deal to be learned about specific learning defects. One of the things we know about specific learning disabilities with reading or dyslexia as it is called is that they frequently, if not usually, involve psychological or emotional problems. So, by the clarification given by the Senator from Rhode Island, the manager of the bill, I believe it is understood that this section would include those children who have such mild psychological or emotional problems which affect their reading and other processes of understanding or using spoken or written language.

I thank the Senator for the clarification.

Mr. DOMINICK. Mr. President, I should like to take a few minutes to ask questions of the manager of the bill and perhaps of the Senator from New York.

I find in reviewing the bill—and to my surprise—that under section 108, on page 51 of the bill, the previous figure of $2,500, which was the minimum expenditure for which one could apply for a grant under title I, has been raised to $10,000.

It used to be $5,000 and I lowered it to $2,500 a few years ago because of the objection of some of the districts widely dispersed and of small size, with geographical problems. They wanted to be able to get their share of the program in the event there was something specific that they could use; but they really did not see any point in trying to raise it to $5,000, which was the minimum available. I got it lowered to $2,500 with the agreement of the Office of Education. Now I see that it is $10,000, twice as bad as it was before.

I asked Secretary Finch about this at the hearings, and he said it did not make any difference because if we have some really bad problems, the State educational agency could waive it. It is the State educational agency which has to waive it, as I understand it, not just the local school district.

If that is true, then I think we have a problem, that all of the small districts in the rural areas, the ones geographically dispersed, will have to dream up a program which will cost $10,000 instead of one which will cost $2,500.

When I asked the Office of Education about this, as will be seen from the hearing record, they said frankly that it was for administrative ease, and things of that kind.

I want to find out how the Senator from Rhode Island feels about this because I am inclined to think that maybe we should preserve existing law at $2,500.

Mr. PELL. Mr. President, I remember the discussion in committee that day. I remember the reservations of one of the Senators. I believe it was probably the Senator from Colorado. My recollection is that the general consensus—dreadful words—but still, the general consensus was that for the sake of simplicity and ease of administration, we would go along with the administration's request and raise the minimum to $10,000.

It was, as I remember, a point of controversy, but it was also my understanding on the decision we reached that if we left it up to the school districts rather than at the State level, every school district eligible for the $2,500 would apply and it could serve no useful educational purpose. So, this is why the compromise was arrived at, of putting in the State agency, at the decision level believing that while there was a problem in certain States there was a real need than in other States for the exception.

Mr. DOMINICK. The problem with this, if I may say so—I want to talk it out a little on the floor right now—goes more or less as follows: The State educational agencies are being strengthened and we are helping them along. I think we have a good one in my State, as well as in other States; but the fact is that some States, at least, are using this type of concept in order to force a smaller school district into consolidation with another, on the theory that it is too small to qualify.

I happen to know for a fact that that has been used as a kind of criterion in some of the States in the West.

I am not against consolidation where it is needed and where it helps. In fact, we have many districts in our State which are countywide school districts, but we also have areas with a mountain problem. The Senator from Oregon has the same mountain problem in his State. We cannot physically consolidate a district with any benefit administratively or in efficiency, and they

cannot reasonably use the $10,000; yet, the State school board in Portland, Oreg., or in Denver, Colo., will say, "We need all this money for our big districts so we will not OK the reduction at the level down to the $2,500."

There is a problem, as I see it, in leaving in the $10,000 instead of the $2,500. I have talked to the Senator from Oklahoma about this, and he is concerned about it as well.

Mr. PELL. Mr. President, I think what we have here is a question not only of efficiency of administration but also of relative cost. I do not have the figures at hand, nor, I am informed, are they available from the administration. However, as to the cost of handling each application, maybe we should pull it down to $200 if we found the cost was $200. I believe that would be a poor idea from the viewpoint of the taxpayer because of the expense of administration and other complexities. While $2,500 may appear to be a tremendous amount of money to an individual, to a school district it would seem to me that it would be a rather small amount.

Thus, it seemed to us that day, and to Secretary Finch, that $10,000 would be about the right cutoff point, with the possibility of making exceptions in certain cases. The State superintendent would be given this power and this right to be able to say that this is not fair and any school district would be able to receive a small amount, $2,500, or $3,000. All he has to do is say it is okay, and it is okay.

I would think that this was a pretty fair compromise of views.

Mr. DOMINICK. Well, all that was said by the Secretary in the hearing record, page 237, in answer to my question, is:

Senator DOMINICK. So, if Colorado thought that it was impractical on a $10,000 minimum basis, they could continue on the $2,500 basis?

Secretary FINCH. Right, and I don't know your particular operation, but the State superintendent would decide that among several districts, these dollars would be decided and divided up in "x" percentage way, and whatever he thought was appropriate in talking to the local boards.

That really does not answer my question. I was unable to get an answer out of the administration at that time.

We do not have, so far as I know, anything in the report which really comments on this, which would give any legislative history.

Does the Senator know whether there is any restriction in the bill which would prevent one school district from joining with another that also has a need for a program and sending in a joint application for $10,000 which would then be divided between the districts as they deemed fit? That might solve the problem if that were correct. I am not sure that it is.

Mr. PELL. That point is not only proper and permissible but it is specifically set forth in the law. It is in the present law and is cited on the top of page 247 of the committee report.

Let me read it specifically:

And nothing herein shall be deemed to preclude two or more local educational agencies from entering into agreements, at their option, for carrying out jointly operated programs and projects under [this part] *this title; Provided*, That the amount used for plans for any fiscal year shall not exceed 1 per centum of the maximum amount determined for that agency for that year pursuant to section 103 or $2,000, whichever is greater;

Mr. DOMINICK. Would the Senator give me that citation again, I am sorry.

Mr. PELL. Here it is.

Mr. DOMINICK. I think it substantially helps the legislative history. I want to look into it further. I will discuss this with the Senator from Vermont who, I understand was the author of the original amendment at the request of the administration, and see how he feels about it. I will also discuss this with the Senator later.

Mr. PELL. I thank my colleague, the Senator from Colorado.

Mr. EAGLETON. Mr. President, I was absent from the floor a few minutes ago when the senior Senator from New Hampshire (Mr. COTTON), I am told, made some reference to the authenticity or accuracy of the figures which I had printed in the RECORD on February 4, 1970, at page 2468.

Not to belabor this point, but in explanation of these figures, let me say that these figures were compiled from data or formulas supplied to our office by either HUD or HEW, the Cabinet agencies involved in this question of public housing and the education of the students therein.

None of these figures came out of our own heads or out of the blue or from some conjectured or imaginary source.

If one will look at page 2468 of the RECORD, there are seven important columns. A footnote is applied to each of the columns indicating the source from which the figures were derived.

The supplying agency for column one was HUD, or one of its subsidiaries, HAA.

Column No. 2, which estimates the number of pupils in public housing projects on a State-by-State basis, again was supplied by HUD and is derived from a formula HUD uses in making computations as to how many youngsters of school age are living in public housing.

Column 3 is self-evident. These figures were gathered from HEW.

Column No. 4 is entitled "Estimated Entitlement, Fiscal Year 1970 Under Public Law 874." These figures were supplied to us by the Office of Education.

Column No. 5 is the total of columns 3 and 4. We simply added the two together. We hope, and we believe, our addition is correct.

Mr. President, the next column is entitled "Projected Number of Low Rent Public Housing Units." This was supplied to us again by HUD through one of its subsidiary agencies, HAA.

The next column is entitled "Projected Number of Pupils." These figures came to us from the HUD formula.

I wanted to make it very clear that these figures and statistics were supplied to us by two of the respected agencies of the Federal Government, HUD and HEW.

There was obviously no intent on my part to mislead anyone or misrepresent any figures.

I yield the floor.

EXECUTIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar under the title "Council on Environmental Quality."

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia?

There being no objection, the Senate proceeded to the consideration of executive business.

COUNCIL ON ENVIRONMENTAL QUALITY

The bill clerk read the names of Robert Cahn, of the District of Columbia, Gordon J. F. MacDonald, of California, and Russell E. Train, of the District of Columbia, to be members of the Council on Environmental Quality.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the nominations be considered and confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

Mr. BYRD of West Virginia. Mr. President, I ask that the President be notified immediately of the confirmation of the nominations.

The PRESIDING OFFICER. Without objection, the President will be notified forthwith.

Mr. PELL. Mr. President, in connection with the nomination of Mr. Train, whom I am delighted to support for his new job—and I believe he will be excellent in it—I must add that when the subject of Mr. Hickel's confirmation was first raised on the Senate floor, a certain number of us voted against it.

Many of us felt, as did I, that Mr. Hickel and I believed—had a certain biased leaning away from conservation interests and, perhaps, toward petroleum interests. In fact, one of the reasons why Mr. Hickel was approved by the Senate was that he would be balanced by a man like Mr. Train who had a very strong background in conservation. And with the assurance that Mr. Train's name was coming up, Mr. Hickel was approved by the Senate.

I would hope that if Mr. Train is leaving the Interior Department—and I understand that his new job is full time—that the President would choose a man of similar background who enjoys the confidence of those who believe in the importance of saving and, yes, improving our environment and in conservation.

Those interests must be paramount over those who would exploit nature in any undue way.

I urge very strongly that the administration, in replacing Mr. Train, seek to find a man of as near his philosophy and viewpoint as possible.

Mr. HATFIELD. Mr. President, I join with the Senator from Rhode Island in commending the President on the selection of Mr. Russell Train for this very important job. But I would like to make the record very clear at this time as to the references made by the distinguished Senator from Rhode Island as to the

basis upon which the Senate confirmed Secretary of Interior Hickel.

I happen to be a member of the Committee on Interior and Insular Affairs. I sat through those hearings. I think the record ought to be abundantly clear that Mr. Hickel was confirmed by the Senate Interior and Insular Affairs Committee unrelated to any promises or any kind of impression that Mr. Russell Train was to be a counterbalance to Mr. Hickel on the conservation issue.

I think that all of us who sat on that committee throughout many days of hearings realized that valid questions were raised respecting some of the policies and statements attributed to Mr. Hickel.

I think, with all fairness, it has to be acknowledged that Mr. Hickel honestly and effectively answered the questions put to him by members of the committee. And those questions were very penetrating. They were fierce questions over a period of time.

I point out that, for some who may have voted on that basis, I do not believe that anyone can read the minds or hearts of our colleagues as to why they vote one way or the other unless they specifically state for themselves.

I think it would not be very fair to try to read into the vote of Mr. Hickel's confirmation the implications made by the Senator from Rhode Island, that it was only on the basis of Mr. Train's pending appointment as Assistant Secretary that he was confirmed.

I think that for some who were critics, Mr. Hickel's performance in office has certainly dispelled some of the doubts these people had.

The members of the Committee on Interior and Insular Affairs happened to be invited to the Interior Department just before Christmas. There was no particular business at hand. It was a matter of a luncheon, at which we could discuss some of our interests in an informal atmosphere.

Mr. Hickel presented each member of the committee with a little volume. He had taken a copy of the Senate hearings—and this was not done at Government expense—and he had placed around the hearings a paper binding with a picture of himself. It was entitled "How To Write a Book, by Walter J. Hickel, Secretary of the Interior."

It was a rather facetious action and one that was appreciated by all members of our committee. But at that time I recall some of the members of our committee who had been among his detractors or critics voluntarily and openly offered the remarks that they were pleased with his performance in office. Some of them went so far as to say they had been somewhat surprised at his outstanding performance.

I mention this because sometimes I think we have to make a little extra effort on our part to clarify a policy or an impression that may have been created by an action of the Senate. I think because there was so much controversy surrounding the confirmation of the nomination of Mr. Hickel, and it was healthy for the Department of Interior and for Mr. Hickel, it is also time that we make a little effort to indicate our belief and confidence in a man who has performed well and done his job very ably.

I think anyone who looks at the record and who is objective about it, and does not permit partisanship to get in his way, would have to acknowledge that Walter Hickel has been an outstanding Secretary of the Interior.

I have great expectations that he will move on in his years of service to become truly one of the most outstanding Secretaries of the Interior of all time.

Mr. PELL. Mr. President, will the Senator yield?

Mr. HATFIELD. I yield.

Mr. PELL. Mr. President, I wish to say strongly that partisanship is not getting in my way. It is petroleum, because we have our problems in New England with oil import quotas and there is the problem connected with the Interior Department's petroleum oriented with regard to the Continental Shelf limitation question. My concern has nothing to do with being a Republican or Democrat.

My concern is that the replacement of Mr. Train should be a man with the conservation views that he has and I would say this just as frankly if it were a Democratic or Republican Secretary.

Mr. HATFIELD. I would not disagree at all with the hope expressed by the Senator from Rhode Island that a man of equal stature in the field of conservation as Mr. Train be appointed his successor.

However, I wish to point out that the man who is responsible for the petroleum policy in the Department of Interior is Mr. Hollis M. Dole, the Assistant Secretary of the Interior. Mr. Hollis Dole is probably one of the great innovators in the development of regulations governing offshore drilling, and since he was a professional geologist and director of mineral resources for Oregon for many years, during my term as Governor of Oregon, I know that he drafted the kind of regulations which brought in all conservation groups to approve and discuss these rules. If those rules had been in effect at the Federal level the Santa Barbara slick and certain other occurrencies would not have happened.

Mr. Hickel has appointed a man in this area as the assistant in charge of minerals and mining who is a professional and conservation oriented, and a man who will give us the kind of rules and regulations in the department which will comply with the desire of the Senator from Rhode Island for high conservation protection and the commitment of that agency to conservation practices.

Mr. President, I want to make the record amply clear that Mr. Walter Hickel has performed and is performing in a most outstanding manner.

LEGISLATIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS OF 1969

The Senate resumed the consideration of the bill (H.R. 514) to extend programs of assistance for elementary and secondary education, and for other purposes.

Mr. BYRD of West Virginia. Mr. President, it is the desire of the junior Senator from Mississippi (Mr. STENNIS) that his amendment No. 481 be laid before the Senate and made the pending business. Therefore, Mr. President, at his request I ask unanimous consent that the Senate proceed to the consideration of amendment No. 481, and that it be made the pending business.

The PRESIDING OFFICER (Mr. BENNETT in the chair). Without objection, it is so ordered.

The amendment will be stated.

The assistant legislative clerk read as follows:

On page 45, between lines 4 and 5, insert the following new section:

DISCRIMINATION ON ACCOUNT OF RACE, CREED, COLOR, OR NATIONAL ORIGIN PROHIBITED

SEC. 2. (a) No person shall be refused admission into or be excluded from any public school in any State on account of race, creed, color, or national origin.

(b) Except with the express approval of a board of education legally constituted in any State or the District of Columbia and having jurisdiction, no student shall be assigned or compelled to attend any school on account of race, creed, color, or national origin, or for the purpose of achieving equality in attendance or increased attendance or reduced attendance, at any school, of persons of one or more particular races, creeds, colors, or national origins; and no school district, school zone, or attendance unit, by whatever name known, shall be established, reorganized, or maintained for any such purpose: *Provided*, That nothing contained in this Act or any other provision of Federal law shall prevent the assignment of a pupil in the manner requested or authorized by his parents or guardian.

Mr. PELL. Mr. President, I wish to read into the RECORD the view of the administration, the Department of Health, Education, and Welfare, with regard to these amendments. The letter is addressed to the chairman of the Subcommittee on Education and it reads as follows:

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., February 6, 1970.

HON. CLAIBORNE PELL,
Chairman, Subcommittee on Education, Committee on Labor and Public Welfare, U.S. Senate, Washington, D.C.

DEAR SENATOR PELL: This is in response to the Committee's request for the views of the Department of Health, Education and Welfare with respect to several amendments proposed to H.R. 514, an Act to extend programs of assistance for elementary and secondary education, and for other purposes.

The proposed amendments deal with a serious educational matter, the subject of school desegregation. They would affect the enforcement of the non-discrimination requirements of Title VI of the Civil Rights Act of 1964 and, as a result, would affect the educational opportunities of children.

As an educator, I am convinced that segregation by races in our Nation's schools for any reason is unsound educationally, regardless of geography. The elimination of

segregated schools is not just a legal requirement, it is fundamental to the ultimate provision of quality education for all children. This is the time to see that desegregation of schools is carried out in a manner that preserves and enhances the quality of education. It is for this reason that the Department is giving high priority to the provision of technical assistance nationwide to State and local education agencies through Title IV of the Civil Rights Act of 1964, services which are intended to aid officials in seeking the best local solution within the meaning of the law without restrictions such as contained in these amendments. We soon shall be seeking a supplemental appropriation under this authority to expand such services.

With regard to the specific legal impact of these amendments, I am advised by the Department's Office for Civil Rights that the amendments numbered 462, 469 (sections of which are also printed separately), and 481 are essentially similar to the so-called Whitten Amendments which the Department opposed and which the Congress debated thoroughly last year in connection with the FY 1970 Labor-HEW Appropriations Bill. The Department continues to oppose such proposals because they not only conflict with the decisions of the Supreme Court but further would seriously restrict the enforcement efforts under Title VI to eliminate discrimination.

I am also advised with respect to the Amendment No. 463, that serious questions arise as to the legal effect and implications of the provision, and specifically whether the section does in fact amend Title VI of the Civil Rights Act of 1964. In line with the intent of Congress, Title VI and its "guidelines and criteria" currently apply to discrimination, and they have been applied uniformly throughout the Nation. The amendment, however, speaks in terms of "segregation", which is left undefined. Title VI also applies to discrimination as to color and national origin, which reference is omitted in the amendment. It also appears that the amendment conflicts with the provisions of other acts of Congress which, for example, limit the Department's authority to deal with situations of "racial imbalance". And, notwithstanding the varying interpretations which may be attached to the provision, the legal consequence of a policy declaration of this nature is uncertain.

In summary, the Department's position is that (1) the elimination of racial segregation in education is essential wherever it exists in our Nation; (2) Amendments 462, 469, and 481 are opposed by the Department; and (3) Amendment 463 should be more thoroughly considered by the appropriate committees of the Congress so that the nature and consequences of any legislative action of this kind may be more accurately defined and understood.

Sincerely,

JAMES E. ALLEN, Jr.,
Assistant Secretary for Education and U.S. Commissioner of Education.

I also ask unanimous consent to have inserted in the RECORD an excellent memorandum on the subject which I asked the Library of Congress to prepare.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

THE LIBRARY OF CONGRESS,
Washington, D.C. February 2, 1970.

To: Senate Subcommittee on Education.
Attention: Steve Wexler.
From: American Law Division.
Subject: Amendment to Education Bill, in re School Desegregation Guidelines.

This is in response to your request for an evaluation of the effect on present law of Amendment No. 463 to H.R. 514, 91st Congress, which is pending in the Senate. The amendment would add to the bill the following language.

It is the policy of the United States that guidelines and criteria established pursuant to title VI of the Civil Rights Act of 1964 and section 182 of the Elementary and Secondary Education Amendments of 1966 shall be applied uniformly in all regions of the United States in dealing with conditions of segregation by race in the schools of the local educational agencies of any State without regard to the origin or cause of such segregation.

It will be necessary in exploring what this language might do to explore first the language of Title VI of the 1964 Act, the regulations issued pursuant thereto, and the "Guidelines" issued to elaborate on the regulations. Then we will explore three features of the amendment: (1) the requirement of uniformity; (2) the application of the federal reach to *de facto* segregation as well as *de jure*; and (3) the question whether the amendment in fact *requires* that *in fact* anything be done.

I

The background of Title VI begins with *Brown* v. *Board of Education*, 347 U.S. 483 (1954), which held that state-imposed separation of the races in public schools violated the equal protection clause of the Fourteenth Amendment. The decision placed affirmative obligations on school boards and other public officials to do away with so-called *de jure* segregation. "School boards . . . then operating state-compelled dual systems were nevertheless clearly charged with the affirmative duty to take whatever steps might be necessary to convert to a unitary system in which racial discrimination would be eliminated root and branch." *Green* v. *School Board of New Kent County*, 391 U.S. 430, 438 (1968).

Although *Brown* and its companion cases arose in and were in the main applied in those States which had laws on the books prescribing separation of the races in public schools, *Brown* was also applicable where school officials acted without the sanction of state law to achieve racial separation, by, for example, gerrymandering attendance zones. *Taylor* v. *Board of Education*, 191 F. Supp. 181 (D.C.S.D.N.Y.), *aff'd* 296 F. 2d 36 (C.A. 2), *cert. den.* 368 U.S. 940 (1961) (New Rochelle, New York); *United States* v. *School District 151 of Cook County*, 286 F. Supp. 786 (D.C.N.D. Ill.), *aff'd* 404 F. 2d 1125 (C.A. 7, 1968). But to date the courts have declined to find either that separation of the races in public schools resulting from residential patterns or other such reasons constitutes a violation of the equal protection clause or that public officials have any affirmative duty to overcome such so-called *de facto* segregation by changing school attendance zones or by other such devices. *Bell* v. *School City of Gary*, 324 F. 2d 209 (C.A. 7, 1963), *cert. den.* 377 U.S. 924 (1964); *Downs* v. *Board of Education*, 336 F. 2d 988 (C.A. 10, 1964), *cert. den.* 380 U.S. 914 (1965); *Deal* v. *Cincinnati Board of Education*, 369 F. 2d 55 (C.A. 6, 1966), *cert. den.* 389 U.S. 847 (1967). But cf. *Hobson* v. *Hansen*, 269 F. Supp. 401 (D.C.D.C 1967), *aff'd as modified sub nom. Smuck* v. *Hobson*, 408 F. 2d 175 (C.A.D.C. 1969) (*en banc*) (much dicta about *de facto* but findings essentially all relate to *de Jure*).

The same distinction between officially-imposed separation and purely adventitious separation was carried into Title VI of the 1964 Civil Rights Act. 78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d–4. Title VI was concerned with state and local programs, which discriminated between recipients and participants on the basis of race, while receiving federal financial assistance. Congress provided in § 601, 42 U.S.C. § 2000d:

No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

Insofar as Title VI related to federal financial assistance to education, Title IV contained a definition of "desegregation" which furnished guidance to the interpretation of Title VI's requirements. It provided, 78 Stat. 246, 42 U.S.C. § 2000c(b):

"Desegregation" means the assignment of students to public schools and within such schools without regard to their race, color, religion, or national origin, but "desegregation" shall not mean the assignment of students to public schools in order to overcome racial imbalance.

Subsequently in Title IV, which *inter alia* authorized civil actions by the Attorney General to achieve desegregated schools, Congress included a proviso "that nothing herein shall empower any official or court of the United States to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils or students from one school to another or one school district to another in order to achieve such racial balance . . ." 78 Stat. 248, 42 U.S.C. § 2000c–6.

Finally, § 410, Title IV, 78 Stat. 249, 42 U.S.C. § 2000c–9 stated: "Nothing in this subchapter shall prohibit classification and assignment for reasons other than race, color, religion, or national origin."

It is important to note that the language of these quoted sections from Title IV explicitly restricts only the powers granted in Title IV, the powers of the Attorney General to bring desegregation suits, and does not purport to have any bearing on Title VI. However, with regard to its general application, Senator Humphrey, one of the Act's sponsors, assured the Senate that "if we include the language in title IV, it must apply throughout the act." That is, the language in Title IV applied in Title VI so that the Department of Health, Education, and Welfare could not proceed against *de facto* segregation. CONGRESSIONAL RECORD, vol. 110, pt. 10, p. 12715. See also the Senate debate on the amendment to strike the racial balance proviso from the bill. CONGRESSIONAL RECORD, vol. 110, pt. 10, pp. 13820–13822.

In any event, § 601 of the Act speaks in terms of persons being "excluded," being "denied," or being "subjected to discrimination," all language of *de jure* separation, segregation, and discrimination. Thus, Congress in enacting Title VI provided for federal action only against officially-imposed segregation and not against segregation "without regard to the origin or cause of such segregation."

The regulations issued pursuant to the Title, therefore, are addressed to acts of exclusion, denial, and discrimination on the basis of race, color, or national origin. 45 C. F. R. §§ 80.1 to 80.13. "Every application for Federal financial assistance . . . shall, as a condition to its approval and the extension of any Federal financial assistance pursuant to the application, contain or be accompanied by an assurance that the program will be conducted or the facility operated in compliance with all requirements imposed by or pursuant to this part." 45 C. F. R. § 80.4(a). Elementary or secondary school systems could satisfy this requirement either by filing a copy of a court order providing for desegregation under which they were operating, with assurances of future compliance, or by submitting a desegregation plan which the Department could determine to be adequate.

Following issuance of the regulations the Office of Education issued its "Guidelines" to instruct school officials what compliance would be adequate. Dunn, "Title VI, the Guidelines and School Desegregation in the South," 53 Va. L. Rev. 42, 55 (1967). First issued in 1965, 30 Fed. Reg. 9981, they were subsequently revised in 1966, 31 Fed. Reg.

5623, and in 1968. 33 Fed. Reg. 4955. In regard to the distinction between *de jure* and *de facto* segregation, to which we have referred, it should be noted that the Guidelines drew a distinction between systems that had maintained *de jure* separation and those that had not. A school system in which pupil and faculty assignments were not based on race and race was no consideration in regard to staffs, facilities, and the like could qualify for federal financial assistance by submitting a prescribed form indicating it was in compliance with the law. §§ 180.2(a), 189.3, 30 Fed. Reg. 9981; § 181.5, 31 Fed. Reg. 5624; § 4(3), 33 Fed. Reg. 4955. School systems operating under a dual system or in the process of eliminating one must file either a court order or a desegregation plan. § 180.2 (b) and (c), 30 Fed Reg. 9981; § 181.6, 181.7, 31 Fed. Reg. 5624; § 4 (1) and (2), 33 Fed. Reg. 4955. In the latest revision of the Guidelines, the format has been changed somewhat from the earlier versions so that Subpart B "states compliance policies generally applicable to school systems throughout the United States. Subpart C states additional compliance policies applicable to school systems carrying out a voluntary desegregation plan." 33 Fed. Reg. 4955, § 5. Thus, subpart B places on the recipients of federal financial assistance the obligation to operate a system in which school systems are free of discrimination on the basis of race, color, or national origin. Each school system must affirmatively act to eliminate segregation and other such discrimination. In addition, it is provided that where in a system there are concentrations in certain schools of students of a certain race or color the school system is responsible for assuring that they are not denied the opportunity of others in the system to obtain an education. § 9, *id.*, 4956. Subpart C places on the school system "which has maintained a system of separate school facilities" the obligation to eradicate that system. § 11, *ibid.*

It can be seen, then, that the 1964 Act, the regulations, and the Guidelines all proceed on the basis of a distinction between *de jure* and *de facto* segregation. With this lengthy prologue in mind, we can now evaluate the amendment set out at the beginning of the memorandum.

II

One portion of the amendment provides that guidelines and criteria "shall be applied uniformly in all regions of the United States. . . ." A similar requirement, without the additional clause to be discussed *infra*, III, was added by Congress in the 90th Congress. 81 Stat. 783, 20 U.S.C. § 888. Following a requirement that rules, regulations, and guidelines must cite specifically the legal authority on which they are based, the section provides: "All such rules, regulations, guidelines, interpretations, or orders shall be uniformly applied and enforced throughout the fifty States." The debate on this provision left unclear its implications in many respects, 113 Cong. Rec. 13582–13605, but it does seem clear that the amendment was not intended to expand the authority of HEW to reach racial separation not officially caused. The intention comes through most clearly in a colloquy between Congressman Goodell and the sponsor of the amendment, Congresswoman Green.

"Mr. GOODELL. . . . It is my understanding that the amendment . . . neither expands or reduces whatever authority was given by the Congress of the United States in title VI of the Civil Rights Act?

"Mrs. GREEN of Oregon. That is absolutely correct.

"Mr. GOODELL. Therefore, if title VI of the Civil Rights Act does not lodge in an administrative official the authority to desegregate where there is de facto segregation, your amendment will not give that administrator such authority?

"Mrs. GREEN of Oregon. It neither gives nor takes away any authority he now has. This amendment is a procedural amendment and merely provides that any guideline that is issued will be administered uniformly. It would not amend the Civil Rights Act in any respect." 113 Cong. Rec. 13604.

A simple requirement that the guidelines be enforced uniformly throughout the country, then, without more, merely means that the prohibition of discrimination and the standards for overcoming it where it is practiced are to be the same everywhere. Where the schools are all-white or all-Negro or almost all-one-or-the other because of residential patterns, however, the situation would continue to be no violation of the 1964 Act and not covered by the Guidelines.*

III

The proposed amendment goes beyond prescribing uniformity, however, by adding that the Guidelines shall be uniform "in dealing with conditions of segregation by race in the schools of the local educational agencies of any State *without regard to the origin or cause of such segregation.*" It would appear that the intent of the underlined clause is to do away with the *de jure—de facto* distinction that exists in the 1964 Act, the regulations, and the Guidelines. Where there is racial concentration of pupils in a school because of any reason, it might be said, the school system violates the Guidelines and must break up the concentration by some means or lose federal funds.

If this is the thought of the underlined clause, the present Guidelines could not be used to carry out the intent. The present Guidelines insofar as they apply uniformly prohibit *discrimination* by school officials and describe the areas in which this discrimination might occur; in the section relating to systems formerly maintaining *de jure* separate systems the Guidelines describe the ways the old system may be dismantled and the types of plans which might be acceptable. The present Guidelines do not, unlike the old ones, contain certain percentage figures by which the Government would judge the success of the desegregation plan.

If the Guidelines were to be revised so that they could be applied uniformly nationwide, what might they provide? They could, as the present Guideline say in connection with former dual systems, provide that "[c]ompliance with the law requires integration of faculties, facilities, and activities, as well as students, so that there are no Negro or other minority group schools and no white schools—just schools." 33 Fed. Reg. 4956, § 11. Standards could then be formulated which would articulate what percentage of one race, 90%, 80%, 60%, which would have to predominate in a school to make it an identifiable Negro or white school. In other words, if the Guidelines are to be applied in *de facto* situations they would have to be rewritten and it can be presumed that the revisions could be made.

IV

The problem, however, is would such revisions be lawful? Guidelines and criteria issued under HEW education programs must cite specifically the legal authority on which they are based. 81 Stat. 783, 20 U.S.C. § 888. The guidelines are interpretations of regulations authorized by § 602 of the 1964 Act, 42 U.S.C. § 2000d–1. Thus, the regulations would have to be rewritten so that it is no longer only official discrimination which is prohibited. But § 601 of the Act only prohibits that sort of discrimination, and other sections of the Act, those in Title IV, prohibit application of *de facto* segregation.

In short, it is not enough that the proposed amendment prescribes a change in the Guidelines; it must to be effectual reach back to § 601 and amend it.

On its face, the amendment does not purport to amend § 601. Indeed, it speaks of guidelines and criteria established pursuant to Title VI (and § 182 of the Elementary and Secondary Education Act Amendments of 1966, 80 Stat. 1209, 42 U.S.C. § 2000d–5, prescribing the granted authority) without seeming to speak of changing it. The opening phrase "It is the policy of the United States" speaks more in terms of a sense of Congress resolution, expressing an understanding, an intent, without containing the language mandating any change. In other words, if the proposed amendment amends § 601 of the 1964 Act, it does so by indirection, by suggestion, rather than by specifically striking out language which is to be deleted and specifying language which is to be inserted.

There is, of course, no *one right way* to enact legislation or to amend a prior statute. But there must be a sufficient expression of intent so that what is enacted or amendment can be determined with some degree of accuracy. Although there is reference to Title VI and to § 182 of the 1966 amendments (though there is no similar reference to other relevant provisions that would seem to militate against application to *de facto* segregation, like § 181 of the 1966 amendments, 20 U.S.C. § 884), it could be objected that the expression of intent—to amend and the details of the amendment—is not sufficient to constitute an effectual amendment of Title VI.

In brief, if the proposed amendment does not change the foundation on which the Guidelines are erected, § 601, one of two possibilities may arise. Either the Guidelines are mandated to take a position which it is not legally tenable for them to take—it is impossible to comply with the amendment—or the Guidelines cannot apply anywhere because they cannot be uniformly applied throughout the country in accordance with the provisions of the amendment.

Taking a more restrictive view, it can be argued that in fact the amendment would have no effect whatever on the Guidelines, inasmuch as the amendment does not purport to compel anything to be done. It does not say that HEW *shall* forthwith apply the Guidelines in the manner specified. It does not say that HEW *shall* rewrite the Guidelines or that it *shall not* apply them anywhere until it applies them nationally. It merely expresses a wish, a suggestion, a hope that HEW will do something; it does not mandate the doing.

An expression of the sense of Congress, or of one body alone, will, of course, have consequences for executive officials who depend upon Congress for their authority and their money. But to take into consideration an expression of the wish that something might be done, when the statutory authority to do that very thing has been withheld, is different from being compelled to act under statutory mandate.

V

In conclusion, then, it would appear that the proposed amendment would not in and of itself require any change in the present law or practice in regard to the Guidelines. One might, however, consider the possibility that if the amendment were enacted, it could form the basis to a challenge of a fund cutoff by school officials who could argue that the Guidelines were being discriminatorily applied in contravention of congressional intent. The chance of success of such an argument may appear slight but it could have the effect of prolonging or complicating the matter.

JOHNNY H. KILLIAN,
Legislative Attorney.

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* It should be noted that there are court decisions in the South holding that in changing from a dual to a unitary system school officials must affirmatively act to overcome such obstacles to a unitary system. *Henry* v. *Clarksdale Municipal Separate School District*, 409 F. 2d 682 (C. A. 5, 1969); *Brewer* v. *School Board of City of Norfolk*, 397 F. 2d 37 (C.A. 4, 1968).

Mr. SPONG. Mr. President, during earlier consideration of the elementary and secondary education amendments, I proposed an amendment to create a special commission to study means of effectively implementing the advanced funding procedure for education programs. The amendment was adopted on Wednesday, February 4.

During debate on the amendment, several questions were raised and the suggestion was made that the National Commission on School Finance authorized by section 808 of the Senate bill might be able to handle a study of advance funding.

My principal concern is that advanced funding be put into operation. As long as that is accomplished, I have no particular concern about the method used to implement it. I am, however, quite skeptical that the National Commission on School Finance, as currently constituted, could accomplish the goal with which I am concerned.

First, the National Commission as currently constituted, is directed to deal with the education finances, that is, where is the money coming from, rather than the means of distributing the money after it has been allocated. Thus, advanced funding is a separate matter.

Second, the National Commission, as envisioned in the Senate bill, fails to suggest the urgency which the problem involves.

Third, implementation of advanced funding concerns congressional oversight and the failure of the executive branch, in its budgets, to utilize completely a procedure which Congress has approved. I have serious reservations about the likelihood of an executive-appointed commission exercising the oversight involved, in view of the executive's failure to use fully the procedures in past years.

Fourth, implementation would involve action on the part of both the executive and the Congress. The cooperation necessary to implement the procedure could, I believe, best be brought about by a commission composed of Members of Congress and representatives of the executive branch, by all those responsible for the procedure.

The cost factor of $150,000 originally contained in the amendment is modest in comparison to the amount of money we spend on education. And, it would finance a self-liquidating commission which in all probability would need no further funding.

I raise these points because I fear that developments surrounding this amendment will lead again to nonimplementation of advanced funding for education programs.

VICE PRESIDENT QUESTIONS MOTIVATIONS OF MEMBERS OF SENATE FOREIGN RELATIONS COMMITTEE WHO HAVE QUESTIONED OUR NATIONAL POLICY IN VIETMAN

Mr. PELL. Mr. President, yesterday the Vice President of the United States delivered a speech in Los Angeles in which he questioned the motivations of members of the Senate Foreign Relations Committee who have questioned our national policy in Vietnam.

I am a low-ranking, but a proud member of the Foreign Relations Committee and I am amongst those who have questioned our national policy in Vietnam for some time, so I believe a response to the Vice President's remarks is in order.

Unfortunately, I do not have a complete text of the Vice President's speech, but I do have the text of that portion of his remarks broadcast on national television last night.

Vice President AGNEW said:

> Recent utterances on the part of a few members of the Senate Foreign Relations Committee are just plain sour grapes. These people have, because of their past pronouncements, a vested interest in seeing that our policies in Vietnam don't work. They would rather believe that the North Vietnamese and Vietcong are properly indicating what is happening over there than they would believe Ambassador Bunker, or General Abrams or President Thieu. In short, to them, being right about their predictions about disaster is politically more important than having the United States work out an honorable peace and extricate itself from one of the most difficult wars we have ever had.

That is the end of the televised portion of his remarks.

Mr. President, I think it is worth recalling that the members of the Foreign Relations Committee to whom the Vice President refers, and I assume I am one of them, were asking questions about our national policy in Vietnam when Mr. AGNEW was still a silent Governor of the State of Maryland.

We were asking questions about our national policy in Vietnam when there was a Democratic administration. We had no vested interest, political or otherwise, in destroying our own Democratic administration. Certainly I did not, as a Democratic Senator. But I for one believed that the interests of the American people came before the interests of my party on this vital issue.

Vice President AGNEW might well reflect on the fact that the vocal opposition to our national policy in Vietnam on the part of members of the Foreign Relations Committee played a major role in setting the stage for President Johnson's abdication speech and in persuading President Johnson not to seek reelection.

In any case, Mr. President, as one who was a critic of our involvement and our policies in Vietnam long before it was fashionable or politically popular to be critical, I am disappointed in the Vice President's remarks. During the previous administration, there were some very regrettable efforts to discredit critics of our policies in Vietnam. We were called "Nervous Nellies" and other names. I am saddened to see this administration adopting the same or similar techniques.

Personally, my only interest and my only motivation in questioning our policies in Vietnam is to make certain that we are indeed moving toward a rapid dissolution of our unfortunate involvement in this war—an involvement that we should never have expanded; an involvement which many of us criticized at the time it was being escalated. And for the Vice President to impute motives against those of us who took a politically unpopular cause, who went against the will of many of our people, when we opposed our Government's stand on Vietnam, simply is not correct, and I would take strong exceptions to the Vice President's remarks.

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS OF 1969

The Senate continued with the consideration of the bill (H.R. 514) to extend programs of assistance for elementary and secondary education, and for other purposes.

Mr. BYRD of West Virginia. Mr. President, before moving to adjourn, I ask the Chair, for the information of the Senate, to state the pending business.

The PRESIDING OFFICER. The pending business is the bill H.R. 514, Elementary and Secondary Education Amendments of 1969, and the pending question is on the amendment of the Senator from Mississippi (Mr. STENNIS) and a number of other Senators designated amendment No. 481 to H.R. 514.

ADJOURNMENT UNTIL MONDAY, FEBRUARY 9, 1970 AT 10 A.M.

Mr. BYRD of West Virginia. Mr. President, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 o'clock Monday morning next.

The motion was agreed to; and (at 4 o'clock and 36 minutes p.m.) the Senate adjourned until Monday, February 9, 1970, at 10 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 6, 1970:

IN THE AIR FORCE

Lt. Gen. William B. Kieffer, [redacted] FR (major general, Regular Air Force), U.S. Air Force, to be placed on the retired list in the grade of lieutenant general, under the provisions of section 8962, title 10, of the United States Code.

The following-named officers to be assigned to positions of importance and responsibility designated by the President, in the grade of lieutenant general, under the provisions of section 8066, title 10, United States Code:

Maj. Gen. James C. Sherrill [redacted] FR, Regular Air Force.

Maj. Gen. Otto J. Glasser [redacted] FR, Regular Air Force.

Maj. Gen. Jay T. Robbins [redacted] FR, Regular Air Force.

Maj. Gen. Russell E. Dougherty, [redacted] FR, Regular Air Force.

The following-named officers for temporary appointment in the U.S. Air Force, under the provisions of chapter 839, title 10, of the United States Code:

To be brigadier general

Col. Carlton L. Lee, [redacted] FR, Regular Air Force.

Col. Walter R. Tkach, [redacted] FR, Regular Air Force, Medical.

Col. Charles E. Williams, Jr., [redacted] FR, Regular Air Force.

Col. John J. Gorman, [redacted] FR, Regular Air Force.

Col. Darrell S. Cramer, [redacted] FR, Regular Air Force.

Col. Geoffrey P. Wiedeman, xxx-xx-xxxx FR, Regular Air Force, Medical.
Col. Hamilton B. Webb, xxx-xx-xxxx FR, Regular Air Force, Medical.
Col. Bryan M. Shotts, xxx-xx-xxxx FR, Regular Air Force.
Col. Morton J. Gold, xxx-xx-xxxx FR, Regular Air Force.
Col. John H. Germeraad, xxx-xx-xxxx FR, Regular Air Force.
Col. Robert R. Scott, xxx-xx-xxxx FR, Regular Air Force.
Col. Leroy J. Manor, xxx-xx-xxxx FR, Regular Air Force.
Col. Eugene Q. Steffes, Jr., xxx-xx-xxxx FR, Regular Air Force.
Col. Roy M. Terry, xxx-xx-xxxx FR, Regular Air Force, Chaplain.
Col. William H. Best, Jr., xxx-xx-xxxx FR, Regular Air Force.
Col. Frank L. Gailer, Jr. xxx-xx-xxxx FR, Regular Air Force.
Col. Joseph E. Krysakowski, xxx-xx-xxxx FR, Regular Air Force.
Col. Robert E. Brofft, xxx-xx-xxxx FR, Regular Air Force.
Col. Thomas B. Hoxie, xxx-xx-xxxx FR, Regular Air Force.
Col. Winston P. Anderson, xxx-xx-xxxx FR, Regular Air Force.
Col. Roger Hombs, xxx-xx-xxxx FR, Regular Air Force, Dental.
Col. Harold F. Knowles, xxx-xx-xxxx FR, Regular Air Force.
Col. Lawrence W. Steinkraus, xxx-xx-xxxx FR, Regular Air Force.
Col. William C. McGlothlin, Jr., xxx-xx-xx... xxx-... FR, Regular Air Force.
Col. Herbert A. Lyon, xxx-xx-xxxx FR, Regular Air Force.
Col. Eugene L. Hudson, xxx-xx-xxxx FR (lieutenant colonel, Regular Air Force), U.S. Air Force.
Col. Edwin J. White, Jr. xxx-xx-xxxx FR, Regular Air Force.
Col. Edward O. Martin xxx-xx-xxxx FR, Regular Air Force.
Col. Louis O. Alder, xxx-xx-xxxx FR, Regular Air Force.
Col. Robert H. Gaughan, xxx-xx-xxxx FR, Regular Air Force.
Col. Walter T. Galligan xxx-xx-xxxx FR, Regular Air Force.
Col. Edward Ratkovich, xxx-xx-xxxx FR, Regular Air Force.
Col. Frank W. Elliott, Jr. xxx-xx-xxxx FR, Regular Air Force.
Col. John R. Hinton, Jr. xxx-xx-xxxx FR, Regular Air Force.
Col. Wesley L. Pendergraft, xxx-xx-xxxx FR, Regular Air Force.
Col. William R. Hayes xxx-xx-xxxx FR (lieutenant colonel, Regular Air Force), U.S. Air Force.
Col. William M. Schoning, xxx-xx-xxxx FR (major, Regular Air Force), U.S. Air Force.
Col. John F. Albert, xxx-xx-xxxx FR, Regular Air Force, Chaplain.
Col. Daniel James, Jr., xxx-xx-xxxx FR, Regular Air Force.
Col. Harry N. Cordes, xxx-xx-xxxx FR, Regular Air Force.
Col. John F. Gonge, xxx-xx-xxxx FR, Regular Air Force.
Col. Kelton M. Farris, xxx-xx-xxxx FR, Regular Air Force.
Col. John W. Pauly, xxx-xx-xxxx FR, Regular Air Force.
Col. John J. Burns xxx-xx-xxxx FR, Regular Air Force.
Col. Kenneth R. Chapman, xxx-xx-xxxx FR, Regular Air Force.
Col. Bryce Poe II, xxx-xx-xxxx FR, Regular Air Force.
Col. James E. Paschall xxx-xx-xxxx FR, Regular Air Force.
Col. Cuthbert A. Pattillo xxx-xx-xxxx FR (lieutenant colonel, Regular Air Force), U.S. Air Force.
Col. Richard J. Hartman xxx-xx-xxxx FR, Regular Air Force.
Col. George J. Iannacito xxx-xx-xxxx FR, Regular Air Force.
Col. John J. Liset, xxx-xx-xxxx FR, Regular Air Force.
Col. Erwin A. Hesse, xxx-xx-xxxx FR, Regular Air Force.
Col. Thomas B. Wood, xxx-xx-xxxx FR, Regular Air Force.
Col. William T. Meredith, xxx-xx-xxxx FR, Regular Air Force.
Col. Guy Hurst, Jr., xxx-xx-xxxx FR, Regular Air Force.
Col. George G. Loving, Jr., xxx-xx-xxxx FR, Regular Air Force.
Col. Oliver W. Lewis, xxx-xx-xxxx FR, Regular Air Force.
Col. James M. Fogle, xxx-xx-xxxx FR, Regular Air Force.
Col. William A. Dietrich, xxx-xx-xxxx FR, Regular Air Force.
Col. Jack B. Robbins, xxx-xx-xxxx FR, Regular Air Force.
Col. John D. Peters, xxx-xx-xxxx FR, Regular Air Force.
Col. George Rhodes, xxx-xx-xxxx FR, Regular Air Force.
Col. Marion L. Boswell, xxx-xx-xxxx FR, Regular Air Force.
Col. Kenneth L. Tallman, xxx-xx-xxxx FR, Regular Air Force.
Col. Ray A. Robinson, Jr., xxx-xx-xxxx FR, Regular Air Force.
Col. Otis C. Moore, xxx-xx-xxxx FR (lieutenant colonel, Regular Air Force), U.S. Air Force.
Col. William Y. Smith xxx-xx-xxxx FR (lieutenant colonel, Regular Air Force), U.S. Air Force.
Col. Robert T. Marsh xxx-xx-xxxx FR major, Regular Air Force), U.S. Air Force.
Col. Abner B. Martin xxx-xx-xxxx FR (major, Regular Air Force), U.S. Air Force.
Col. Robert M. White xxx-xx-xxxx FR (major, Regular Air Force), U.S. Air Force.
Col. Frederick C. Blesse, xxx-xx-xxxx FR, Regular Air Force.
Col. Harrison J. Lobdell, xxx-xx-xxxx FR, Regular Air Force.
Col. Clarence J. Douglas, Jr., xxx-xx-xxxx FR, Regular Air Force.
Col. Arnold W. Braswell, xxx-xx-xxxx FR (lieutenant colonel, Regular Air Force), U.S. Air Force.
Col. George H. Sylvester, xxx-xx-xxxx FR (major, Regular Air Force), U.S. Air Force.
Col. James V. Hartinger, xxx-xx-xxxx FR (major, Regular Air Force), U.S. Air Force.

IN THE ARMY

The following-named officers for appointment in the Regular Army of the United States, to the grade of major general, under the provisions of title 10, United States Code, sections 3284 and 3307:

Maj. Gen. George Edward Pickett, xxx-xx-x... xxx-... Army of the United States (brigadier general, U.S. Army).
Maj. Gen. Roger Merrill Lilly, xxx-xx-xxxx, Army of the United States (brigadier general, U.S. Army).
Maj. Gen. Woodrow Wilson Vaughn, xxx-... xxx-xx-xx... Army of the United States (brigadier general, U.S. Army).
Maj. Gen. Gilbert Hume Woodward, xxx-... xxx-xx-xx... Army of the United States (brigadier general, U.S. Army).
Maj. Gen. Glenn David Walker, xxx-xx-xxxx xxx-x... Army of the United States (brigadier general, U.S. Army).
Lt. Gen. Melvin Zais, xxx-xx-xxxx, Army of the United States (brigadier general, U.S. Army).
Maj. Gen. William Charles Gribble, Jr., xxx-xx-xxxx Army of the United States (brigadier general, U.S. Army).
Maj. Gen. Edward Leon Rowny, xxx-xx-xx... xxx-x... Army of the United States (brigadier general, U.S. Army).
Maj. Gen. John Norton, xxx-xx-xxxx, Army of the United States (brigadier general, U.S. Army).
Maj. Gen. Walter James Woolwine, xxx-xx-x... xxx-x... Army of the United States (brigadier general, U.S. Army).
Maj. Gen. James William Sutherland, Jr., xxx-xx-xxxx Army of the United States (brigadier general, U.S. Army).
Maj. Gen. Elmer Hugo Almquist, Jr., xxx-... xxx-xx-xx... Army of the United States (brigadier general, U.S. Army).
Maj. Gen. Leo Bond Jones, xxx-xx-xxxx, Army of the United States (brigadier general, U.S. Army).
Maj. Gen. William Albert Becker, xxx-xx-x... xxx-x... Army of the United States (brigadier general, U.S. Army).
Lt. Gen. Frederick Carlton Weyand, xxx-... xxx-xx-xx... Army of the United States (brigadier general, U.S. Army).
Lt. Gen. George Irvin Forsythe, xxx-xx-xxxx xxx-x... Army of the United States (brigadier general, U.S. Army).
Maj. Gen. Orwin Clark Talbott, xxx-xx-xxxx xxx-x... Army of the United States (brigadier general, U.S. Army).
Maj. Gen. Walter Philip Leber, xxx-xx-xxxx, Army of the United States (brigadier general, U.S. Army).
Maj. Gen. John Hancock Hay, Jr., xxx-xx-x... xxx-x... Army of the United States (brigadier general, U.S. Army).
Maj. Gen. Richard Joe Seitz, xxx-xx-xxxx, Army of the United States (brigadier general, U.S. Army).
Maj. Gen. Clarence Joseph Lang, xxx-xx-xx... xxx-x... Army of the United States (brigadier general, U.S. Army).
Maj. Gen. Ellis Warner Williamson, xxx-... xxx-xx-xxxx Army of the United States (brigadier general, U.S. Army).
Lt. Gen. William Eugene DePuy, xxx-xx-x... xxx-x... Army of the United States (brigadier general, U.S. Army).
Maj. Gen. Richard Thomas Knowles, xxx-... xxx-xx-xx... Army of the United States (brigadier general, U.S. Army).
Maj. Gen. John Russell Deane, Jr., xxx-... xxx-xx-xx... Army of the United States (brigadier general, U.S. Army).

IN THE MARINE CORPS

The following-named officer of the Marine Corps Reserve for temporary appointment to the grade of major general:

John R. Blandford

The following-named officers of the Marine Corps Reserve for temporary appointment to the grade of brigadier general:

Louis Conti
Verne C. Kennedy, Jr.

U.S. MARSHALS

Kenneth M. Link, Sr., of Missouri, to be U.S. marshal for the eastern district of Missouri for the term of 4 years.

John T. Pierpont, Jr., of Missouri, to be U.S. marshal for the western district of Missouri for the term of 4 years.

COUNCIL ON ENVIRONMENTAL QUALITY

The following-named persons to be members of the Council on Environmental Quality:

Robert Cahn, of the District of Columbia.
Gordon J. F. MacDonald, of California.
Russell E. Train, of the District of Columbia.

IN THE ARMY

The nominations beginning James F. Price, to be captain, and ending Gerald D. Saltness, to be 2d lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on January 28, 1970.

IN THE MARINE CORPS

The nominations beginning Ivan M. Behel, to be 2d lieutenant, and ending Bruce R. Wahlsten, to be 2d lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on January 23, 1970.

EXTENSIONS OF REMARKS

THE BEACHES OF THE UNITED STATES ARE THE PROPERTY OF THE PEOPLE: AN ESSENTIAL ELEMENT OF THEIR HERITAGE

HON. SAM GIBBONS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1970

Mr. GIBBONS. Mr. Speaker, anywhere on earth where the land meets the sea is engendered one of the most dramatic encounters of all nature.

The shorelines of this Nation offer opportunities for innumerable variations of recreational experience, whether it be sunning on the sandy beaches of a warm southern shore; riding the white combers rolling in from the great deeps; probing the shallows in scuba gear; exploring sea caves carved by millennia of wave action; observing the eerie flight of shorebirds in seasonal migration; seeking the elusive clam, abalone, shells, pebbles, or driftwood cast upon the shore; observing the myriad life forms; strolling along the beach; indulging in a refreshing dip in the water. All of these and many more are possible only in this restricted area, really only a narrow bit of land but thousands of miles long.

However, the enjoyment of these happy activities is becoming increasingly difficult. In many areas the beach cannot be reached by any but the owner of the shore property.

Despite the known and acknowledged fact that the State is the owner, holder in trust for the people, of all land from the water's edge to the high-water or vegetative line, it is a frustrating and anger-provoking experience to attempt to reach at least 90 percent of the shoreline and beaches of this Nation.

Since beaches are worthless for the traditional uses of land such as for agriculture, mining, and other activities it has been possible for private owners to develop their property which adjoins the beach in such a manner as to block access to the beaches themselves.

Since the 1920's, at an ever accelerating pace, as population grew, leisure time increased, and desire for recreational activities grew, the beaches have seen the coming of homes, structures of all kinds, even down to the water's edge. So concentrated has this development become in some areas that the property owners have succeeded in fencing off, posting, and closing entry or passage over their land. Access by the public to the beaches themselves has become seriously inhibited and in many cases completely foreclosed.

This condition should not be allowed to prevail. By custom, tradition, and common law, affirmed by the Submerged Land Act, the State is the owner of the beach area and people who after all are the State, are entitled to free access to their property and to all the benefits to be derived therefrom.

It is, therefore, the purpose of this proposed legislation to set straight a condition brought about by neglect.

What concerns the people of this Nation is properly a Federal Government concern as this bill states. The full force of Federal power, and assistance is to be extended to the States in identifying, providing historical and geological data, planning for zoning and managing the coastal areas. Technical as well as financial assistance—up to 75 percent of the cost—will be provided to the States to assist them in acquisition of easements, rights-of-way and land required to insure free public access to the beaches as is the right of every American citizen, and the power of eminent domain will be exercised to this end. We must do whatever is needed to develop the beach areas properly to enable all Americans to enjoy the pleasures of beach experience which is an essential part of their heritage.

The need is immediate, costs are rising as a result of the ever-increasing pressure on all recreational opportunities, and public ownership of beaches and adjoining land areas will be of great assistance in coping with the ever-present problem of beach erosion. Protection and enhancement of beaches is a continuing responsibility of the Federal Government where the public interest is involved but is a program which has been handicapped by the situation that has been brought about by the encroachment of private ownership in the littoral area. Passage of this legislation will be of inestimable value in preserving this vital heritage of the American citizen.

MINNESOTANS BACK INFLATION CONTROLS

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1970

Mr. NELSEN. Mr. Speaker, those of us who voted to sustain President Nixon's veto of the HEW-Labor-OEO appropriations bill for fiscal 1970 are ourselves sustained by the massive support that is evident for better controls on spending to inhibit runaway inflation. As evidence of this support in Minnesota, I include for the RECORD at this point editorials from the New Ulm Journal, the Waseca Journal, and the St. Paul Pioneer-Press:

[From the New Ulm Journal, Jan. 28, 1970]

THE VETO

It is a new and different drama that we are seeing in Washington lately. We are seeing a President doing his best to cut spending below the appetitie of the Congress, whereas we had been used to a Congress trying to hold back liberal Presidents under two Democrat administrations.

The last act of this play, which might be titled "Nixon Nicks at Inflation," may come today with Republican Congressmen and some Democrats of the solvency team voting to uphold the veto. They have the best of the deal, needing only one-third of the votes, which is something like getting 6 downs to make 10 yards.

The vote likely will come before anyone gets a chance to influence his congressman, unless he did it Tuesday. But if our Representatives feel the pulse of their people, they must know that Americans want an easing of the inflation.

Nixon is not picking on education or health. He is making across the board economies, including a cut of 300,000 in the military services.

Education and health are not an easy issue on which to take a stand, but the Presiden did ahead of the vote, and has followed through with his veto. For the good of the country, he should win this one.

[From the St. Paul Pioneer Press, Jan. 28, 1970]

A COURAGEOUS VETO

President Nixon didn't take the easy course when he vetoed the Health, Education and Welfare appropriations bill.

He might have profited politically by signing it and accepting the applause of the organized lobby working for the measure. Instead, he stuck to his principles of fiscal responsibility and took the action he felt would serve the national interest.

If members of the House of Representatives are equally concerned with stabilizing the economy and laying the foundation for solid future educational programs, they will vote to uphold the veto today.

Nixon's recognition of the political risk in his decision was no doubt responsible for his unusual televised veto performance. He explained the inflationary aspects of the bill and its other shortcomings and made it clear that in his view the disadvantages and dangers far outweight any merits of the measure. This was an honest and responsible approach to a difficult situation.

The Democratic leadership of the House and Senate has played politics on this issue by exaggerating the educational benefits which might result from hurry-up spending of a billion dollars more between now and next June 30 than the Nixon budget allows. The bill is loaded with pork for wealthy areas which don't need it.

Keeping firm control of the federal budget right now is a necessity if our dangerously high inflation is to be checked. And if inflation is not brought under control, education, health services and every other important governmental program will suffer because tax dollars will buy less and less and tax bills will go up and up.

As the President pointed out, he has ordered cuts of $7 billion in military expenditures for fiscal 1970. His 1971 budget will call for a smaller percentage of federal spending for the military than in any years since 1950. For the first time in 20 years the 1971 budget will provide more funds for human resources than for war related projects. The Nixon Administration is reordering national priorities at the same time it is battling to check the high cost of living.

The overall results for education and other domestic programs will be to strengthen them and increase their effectiveness.

[From the Waseca Journal, Jan. 23, 1970]

PORK BARREL

We have a pamphlet on our desk which says: "The American public, and the Congress, believe that a reasonable share of Federal expenditures should be devoted to education."

What is a reasonable share of the Federal expenditures? To the author of the pamphlet,

we are certain the $1.3 billion more than President Nixon asked is "reasonable."

To the elderly people who are so hard hit by inflation it is not reasonable.

To the heavily burdened taxpayer it is not reasonable.

To those who have set the nation's priorities in this fashion: First, ending the war in Vietnam; and second, curbing inflation; to those people the Senate action is not reasonable.

About it all the Wall Street Journal has this to say:

"Now the Senate comes along with an extra billion-plus dollars in aid to education and health, and the lawmakers think maybe they can override the Presidential veto that might result from the spending's inflationary potential.

"The biggest single increase, the political grease that has helped move the bill, and the political stick that creates the possibility of overriding a veto, is an increase in Federal aid to "impacted" schools. Which is to say, more spending for schools near Federal installations in the districts of key Congressmen.

"Or in other words, pork barrel first, inflation control last, and then talk a lot about priorities. Some gall."

As a small town daily newspaper we put education ahead of other local spending. However, we do not put it ahead of the nation's welfare. Right now the United States is facing a crisis and knowing the waste involved in all federal projects we prefer to spend our own money, right here at home, for education rather than look for an even bigger handout from Washington than Washington can afford.

FREEDOM OF CHOICE IS THE LAW OF THE LAND

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1970

Mr. RARICK. Mr. Speaker, despite the plain words of the Constitution, the obvious prohibitions in the Civil Rights Act of 1964, and the spending restriction in the current HEW Approprations Act, it seems that neither the judicial department, the executive department, nor the mass media have any understanding of what the law of the land is and what it is not.

Meanwhile, back home, public education has been dealt its deathblow, decent Americans are confused, unbelieving, and angry. They see their children in danger, and their Government on the side of lawlessness, and they do not understand what has happened to their freedom.

In the hope that it will be of value to other Members, North, South, East, and West, whose people are also asking what they can do to save their schools and their children, I include my regular talk to the people of the Sixth District of Louisiana in my remarks:

REPORT FROM WASHINGTON

As I talk to you today, the single most pressing problem which we have is our schools—our children.

We need to talk a little bit about—the law of the land. It is time someone told the American people what the law of the land really is.

We have heard "law of the land" from the press, the radio, the pulpit, and other propaganda agents until it is running out of our ears. Decent Americans have tried and tried to obey what they have been told is the law of the land.

So, let's talk about the law of the land—what it is, and what it is not.

Judges do not make law. Legislatures do. This is one of the fundamentals of free American government.

Long, long ago it was said that judges ought to remember that their office is to interpret law, not to make law.

The wise men who wrote our Constitution knew this truth, which was already old in their time. That is why they provided for the Congress to make the laws, and for the courts to decide cases and controversies.

For generations our judges were wise and honest men, who carefully avoided falling into the error of legislating—making laws. Today this is no longer so, chaos, has resulted, and our very liberties are endangered. When judges make their own law, freedom has ended.

A century and a half ago, Thomas Jefferson wrote, ". . . there is no danger I apprehend so much as the consolidation of our government by the noiseless, and therefore unalarming, instrumentality of the supreme court."

In The Federalist, Alexander Hamilton wrote that ". . . liberty can have nothing to fear from the judiciary alone, [as usurpers] but would have everything to fear from its union with either of the other departments . . ." [in usurping power].

Today we see just such a union of the judiciary (the Supreme Court) and the executive (HEW). We have cause to be alarmed, as would the founding fathers.

Within our lifetime we have seen what happens to liberty when judges do not follow law, but make their own. First Soviet Russia, then Nazi Germany, gave us examples.

The Bolsheviks abolished all laws, then created their "People's Courts" to try both civil and criminal cases—and their justice was measured by what they called "the proletarian conscience."

In 1935, Adoph Hitler amended the German laws to permit judges to decide cases, not according to law, but according to "the healthy sentiments of the German people."

Now, what is the law of the land?

We start with the Constitution of the United States, where the law of the land is defined in no uncertain terms in what is called the Supremacy Clause, found in Article Six. Let me read it to you, word for word. . . .

"This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby . . ."

Let me repeat this important provision of our Constitution:

"This Constitution, and the Laws of the United States which shall be made in pursuance thereof . . . shall be the supreme Law of the Land . . ."

Did you hear anything in those words about Supreme Court decision being the law of the land? Of course not. On the other hand, you heard that Judges shall be bound by Acts of Congress.

Now Congress has acted—Congress has actually passed laws, which are the law of the land. And one of these laws goes right to the point of our school problems today.

Let me read this one to you, word for word . . . from Title 42 of the United States Code . . .

"Nothing herein shall empower any official/or court of the United States to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils or students from one school to another or one school district to another in order to achieve racial balance . . ."

* * * * *

"Desegregation means the assignment of students to public schools and within such schools without regard to their race . . . but desegregation shall not mean the assignment of students to public schools in order to overcome racial imbalance."

And then last year, to make sure that we were not misunderstood, when we appropriated money to operate the Department of Health, Education and Welfare, we wrote into that law—in English so plain no one can misunderstand—a provision forbidding HEW to do what it is now doing.

Let me read you this language from the very same Appropriation Act under which HEW is now operating, word for word:

"No part of the funds contained in this Act may be used to force busing of students, abolishment of any school, or to force any student attending any elementary or secondary school to attend a particular school against the choice of his or her parents or parent in order to overcome racial imbalance."

So there you have it. What you have been told time and again is the law of the land is not. You have been lied to repeatedly, for years.

Supreme Court decisions are not—I repeat not—the law of the land. All they are is the decision in a certain lawsuit between certain parties.

Of course, they may mean that the same judges, on the same facts, dealing with the same law, will decide a new case in the same way. But again, they may not.

The law of the land is the Constitution—and the laws enacted pursuant thereto.

And the Courts are in direct disobedience of this law—the very law which they are sworn to uphold. The Department of HEW—and the President—are also in direct disobedience of this law.

What can we do?

We are not alone, although it sometimes seems as if we are. People across the nation are awakening. They are asking questions, and they are demanding answers.

We must be strong and patient. These are dark times for those of us who love our children. But we have had other dark times in our history, and the courage to face them and win out.

Valley Forge was dark—so was Reconstruction.

People will protect their children. It is up to all public officials to help them. I cannot tell you what to do with your children. They are your children, and the responsibility for them is yours—yours alone.

In Washington, I am doing everything in my power to call to the attention of the rest of the country what is happening to us here in Louisiana. You know that I am on your side, and with you all the way.

What can you do?

I suggest three things.

First, decide for yourself what is the law and what is propaganda. You can read. Read the Constitution.

Second, write and wire President Nixon at the White House. Tell him your problem, and what you want. He has the key in his own hand.

All he need do is to pick up the telephone and tell Secretary Finch—and Attorney General Mitchell—to obey the law. It's that simple.

Third, and this one is important.

All of us have friends, relatives, business acquaintances, people with whom we went to school, with whom we served in the Armed Forces—people who do not live in the South, who do not know the problems which we face, and who are not being told the truth about our situation.

Write to these people—phone these people—tell them what is happening to your children. Ask them to help. Ask them to call on their Congressmen and Senators for help.

Finally, we must all remember that we are right. That in the end, right will triumph, even though there may be a rough road ahead for a few months. Right and justice are on our side, and we shall prevail.

So let's all work together, confident that what we do to protect our children will succeed.

Freedom of choice is still the law of the land, and the law of the land is on our side.

ACDA, STATE, AND DOD REPLY ON U.S. GOALS AT SALT TALKS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1970

Mr. HAMILTON. Mr. Speaker, I thought it would be of interest to my colleagues to read some recent correspondence between the Arms Control and Disarmament Agency, the State Department, the Defense Department and myself on the issue of our goal at the SALT talks. The letter to the ACDA is identical to those sent to the other two agencies. While I found part IV of Secretary Rogers' speech, included below, most informative, I am still rather disappointed at the minimal amount of information being given to the Congress on this most urgent topic. Our need to be adequately briefed on the issues must not be slighted.

The material referred to follows:

DECEMBER 8, 1969.

GERALD C. SMITH,
Director, Arms Control and Disarmament Agency, Washington, D.C.

DEAR MR. SMITH: I would like to know what our goal is at the SALT talks.

Are we seeking a formalized treaty arrangement, or a more informal agreement to pursue parallel strategic arms limitations? The distinction is an important one.

I look forward to hearing from you on this matter.

Sincerely,

LEE H. HAMILTON, M.C.

U.S. ARMS CONTROL
AND DISARMAMENT AGENCY,
Washington, D.C., December 11, 1969.

Hon. LEE H. HAMILTON,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN HAMILTON: Thank you for your letter of December 8, 1969 inquiring about the arrangements that might emerge from SALT.

A most helpful statement regarding the goals of these talks was made by Secretary Rogers in his speech of November 13. I have enclosed a copy of that speech. Also enclosed is a copy of the President's message to Mr. Smith at the opening of the talks.

At this time I believe it is too early to forecast precisely what form the ultimate arrangements might take. Those arrangements would, of course, have to be consistent with the requirements of the Constitution and the relevant statutes.

I hope the attached material will be helpful, and we appreciate your interest in this most important subject.

Sincerely,

WILLIAM W. HANCOCK,
General Counsel.

ADDRESS BY HON. WILLIAM P. ROGERS, SECRETARY OF STATE, NOVEMBER 13, 1969

STRATEGIC ARMS LIMITATION TALKS

Next Monday in Helsinki the United States and the Soviet Union will open preliminary talks leading to what could be the most critical negotiations on disarmament ever undertaken. The two most powerful nations on earth will be seeking a way to curb what to date has been an unending competition in the strategic arms race.

The Government of the United States will enter these negotiations with serious purpose and with the hope that we can achieve balanced understandings that will benefit the cause of world peace and security. Yet we begin these negotiations knowing that they are likely to be long and complicated and with the full realization that they may not succeed.

While I will not be able to discuss specific proposals tonight, I thought it might be helpful to outline the general approach of our government in these talks.

I

Nearly a quarter of a century ago, when we alone possessed nuclear power, the United States proposed the formation of a United Nations Atomic Development Authority with a world monopoly over all dangerous aspects of nuclear energy. This proposal might well have eliminated for all nations the dangers and burdens of atomic weapons. Unhappily, as we all know, it was rejected.

The implications were obvious. Others intended to develop nuclear weapons on a national basis. The United States then would have to continue its own nuclear program. It would have to look to its own security in a nuclear-armed world. Thus we established a national policy of maintaining nuclear weapon strength adequate to deter nuclear war by any other nation or nations. It was our hope then, as it is now, to make certain that nuclear weapons would never again be used.

The intervening decades have seen enormous resources devoted to the development of nuclear weapons systems. As both sides expanded their force levels an action/reaction pattern was established. This pattern was fed by rapid progress in the technology of nuclear weapons and advanced delivery systems. The mere availability of such sophisticated technology made it difficult for either side by itself to refrain from translating that technology into offensive and defensive strategic armaments.

Meanwhile, strategic planners, operating in an atmosphere of secrecy, were obliged to make conservative assumptions, including calculations on what became known as the "worst case." The people responsible for planning our strategic security had to take account of the worst assumptions about the other's intentions, the maximum plausible estimate of the other's capabilities and performance of our own forces. The Soviets no doubt did the same.

Under these circumstances it was difficult during these many years for either side to conclude that it had sufficient levels of destructive power.

II

Yet that point in time has now clearly been reached. As absolute levels of nuclear power and delivery capability increased, a situation developed in which both the United States and the Soviet Union could effectively destroy the society of the other, regardless of which one struck first.

There are helpful mutual restraints in such a situation. Sane national leaders do not initiate strategic nuclear war and thus commit their people to national suicide. Also they must be careful not to precipitate a conflict that could easily escalate into nuclear war. They have to take elaborate precautions against accidental release of a nuclear weapon which might bring on a nuclear holocaust.

In brief the nuclear deterrent, dangerous though it is, has worked.

The present situation—in which both the United States and the Soviet Union could effectively destroy the other regardless of which struck first—radically weakens the rationale for continuing the arms race.

Competitive accumulation of more sophisticated weapons would not add to the basic security of either side. Militarily it probably would produce little or no net advantage. Economically it would divert resources needed elsewhere. Politically it would perpetuate the tensions and fears that are the social fallout of the nuclear arms race.

So a capacity for mutual destruction leads to a mutual interest in putting a stop to the strategic nuclear arms race.

Nonetheless technology advances remorselessly. It offers new opportunities to both sides to add to their offensive and defensive strategic systems. Both sides find it difficult to reject these opportunities in an atmosphere of rivalry and in the absence of a verifiable agreement. It raises temptations to seek strategic advantages. Yet now such advantages cannot be hidden for long, and both sides will certainly take whatever countermeasures are necessary to preserve their retaliatory capability.

This is the situation in which the two sides now find themselves. Where national security interests may have operated in the past to stimulate the strategic arms race, those same national security interests may now operate to stop or slow down the race. The question to be faced in the strategic arms talks is whether societies with the advanced intellect to develop these awesome weapons of mass destruction have the combined wisdom to control and curtail them.

III

In point of fact, we have already had some successes in preliminary limitations.

We have a treaty banning military activities in Antarctica.

We have a treaty banning the orbiting of weapons of mass destruction in outer space and prohibiting the establishment of military installations on the moon or other celestial bodies.

We have reached agreement with the Soviet Union on the text of a treaty forbidding the emplacement of weapons of mass destruction on the ocean floors, about to be considered at the United Nations General Assembly.

These are agreements not to arm environments previously inaccessible to weapons. Manifestly there are fewer obstacles to such agreements than there are to agreements controlling weapons already deployed or under development.

But even in already "contaminated" environments there have been two important control agreements:

We have negotiated and ratified a Test Ban Treaty prohibiting the testing of nuclear weapons in the atmosphere, under water, and in outer space.

We have negotiated and are prepared at any time to ratify simultaneously with the Soviet Union, a Nuclear Non-Proliferation Treaty.

It should be pointed out, though, that the main objective of a Nuclear Non-Proliferation Treaty is to prevent non-nuclear powers from acquiring atomic weapons. The treaty does not restrain any of the present nuclear powers from further development of their capabilities. The non-nuclear countries therefore tend to look upon the treaty essentially as a self-denying ordinance.

Accordingly, during the negotiations they insisted upon assurances that the nuclear powers would seriously pursue strategic arms negotiations. We concurred and incorporated a paragraph in the treaty which would require us to do so.

I mention this to underscore two points. First, that the disarmament agreements previously concluded have widely been regarded as confidence building, preliminary steps which hopefully might lead to more meaningful agreements on strategic arms. Second, when the United States and the Soviet Union ratify the NPT, they will agree to undertake negotiations in good faith for a cessation of the nuclear arms race.

IV

However, given the complexity of the strategic situation, the vital national interests involved, and the traditional impulses to seek protection in military strength it is easy to be cynical about the prospects for the talks into which we are about to enter.

Nonetheless some basis for hope exists.

First is the fact that the talks are being held at all. The diplomatic exchanges leading up to these talks were responsible in nature. And the talks themselves will require discussion of military matters by both sides in which the veil of secrecy will have to be, if not lifted, at least refashioned. These factors lead us to the hope that the talks are being entered into seriously.

Second is the matter of timing. Previous disparity in nuclear strength has been succeeded by the situation of sufficiency of which I have already spoken. And because this condition will continue for the foreseeable future the time then seems to be propitious for considering how to curb the race in which neither side in all likelihood can gain meaningful advantage.

Third is a mutuality of interest. Under present circumstances an equitable limitation on strategic nuclear weapons would strengthen the national security of both sides. If this is mutually perceived—if both sides conduct these talks in the light of that perception—the talks may accomplish an historic breakthrough in the pattern of confrontation that has characterized the postwar world.

May I pause to point out again that I do not wish to predict that the talks will be easy or that progress is imminent or for that matter likely. Mutuality of interest for states accustomed to rivalry is difficult to perceive. Traditions are powerful. Temptations to seek advantage run strong. Developments in other areas are bound to have an impact on these discussions.

Both parties will approach the talks with great caution and pursue them with immaculate care. The United States and the Soviet Union are entirely capable of protecting their vital interests and can be counted upon to do so. So there is little chance that either side would accept an outcome that leads to its net national disadvantage. In our case also we would not agree to anything adversely affecting the national interests of our allies, who will continue to be consulted as the talks develop.

On the other hand we must also recognize that a prime technique of international politics—as of other politics—is talk. If these talks are serious they can lead to better understanding on both sides of the rationales behind strategic weapons decisions. This in itself might provide a climate in which to avoid compulsive decisions.

Talks need not necessarily call for an explicit agreement at any particular stage. Whether we can slow down, stop or eventually throw the arms race into reverse, remains to be seen. It also remains to be seen whether this be by a formal treaty or treaties, by a series of agreements, by parallel action, or by a convergence of viewpoints resulting from a better understanding of respective positions.

What counts at this point is that a dialogue is beginning about the management of the strategic relations of the two superpowers on a better, safer, cheaper basis than uncontrolled acquisition of still more weapons.

The United States approaches the talks as an opportunity to rest our security on what I would call a balanced strategy.

In pursuit of this balanced strategy of security we will enter the Helsinki talks with three objectives:

To enhance international security by maintaining a stable US-Soviet strategic relationship through limitations on the deployment of strategic armaments.

To halt the upward spiral of strategic arms and avoid the tensions, uncertainties, and costs of an unrestrained continuation of the strategic arms race.

To reduce the risk of an outbreak of nuclear war through a dialogue about issues arising from the strategic situation.

Some say that there will be risks in such a process. But it is easy to focus too much on the risks that would accompany such a new environment and too little on the risks of the one in which we now live. Certainly, such risks are minimal compared to the benefits for mankind which would flow from success. I am confident that this country will not let down its guard, lose its alertness, or fail to maintain adequate programs to protect against a collapse or evasion of any strategic arms agreement. No delegation to any disarmament negotiation has ever been better prepared or better qualified than the United State delegation. The risks in seeking an agreement seem to be manageable, insurable, and reasonable ones to run. They seem less dangerous than the risks of open-ended arms competition—risks about which we perhaps have become somewhat callous.

V

I have mentioned the rewards of progress in terms of international security, world order, and improved opportunities for replacing a stalemated confrontation with a process of negotiations.

But there are also other stakes in these talks that come closer to home. On both sides of this strategic race there are urgent needs for resources to meet pressing domestic needs. Strategic weapons cannot solve the problems of how we live at home, or how we live in the world in this last third of the Twentieth Century. The Soviet Union, which devotes a much larger proportion of its national resources to armaments than do we, must see this as well.

Who knows the rewards if we succeed in diverting the energy, time and attention—the manpower and brainpower—devoted to ever more sophisticated weapons to other and more worthwhile purposes?

Speaking before the United Nations General Assembly two months ago, President Nixon said that he hoped the strategic arms talks would begin soon because "there is no more important task before us." And he added that we must "make a determined effort not only to limit the build-up of strategic arms, but to reverse it."

Just last week President Podgorny of the Soviet Union said: "A positive outcome of the talks would undoubtedly help improve Soviet-American relations and preserve and strengthen the peace." To that I say "Amen."

He added that: "The Soviet Union is striving to achieve precisely such results." Well, so are we; and in this we have the support of the military services, of the Congress, and of the American people.

To that end this Government approaches the Strategic Arms Limitations Talk in sober and serious determination to do our full part to bring a halt to this unproductive and costly competition in strategic nuclear armaments.

MESSAGE FROM THE PRESIDENT TO AMBASSADOR GERARD SMITH AT THE OPENING OF THE STRATEGIC ARMS LIMITATION TALKS AT HELSINKI, FINLAND

You are embarking upon one of the most momentous negotiations ever entrusted to an American delegation.

I do not mean to belittle the past. The Antarctic Treaty, the Limited Test Ban Treaty, the Outer Space Treaty, and most recently the Non-Proliferation Treaty, which we hope will soon enter into force, were all important steps along the road to international security. Other tasks remain on the agenda of the United Nations and the Conference of the Committee on Disarmament. Today, however, you will begin what all of your fellow citizens in the United States and, I believe, all people throughout the world, profoundly hope will be a sustained effort not only to limit the build-up of strategic forces but to reverse it.

I do not underestimate the difficulty of your task, the nature of modern weapons makes their control an exceedingly complex endeavor. But this very fact increases the importance of your effort.

Nor do I underestimate the suspicion and distrust that must be dispelled if you are to succeed in your assignment.

I am also conscious of the historical fact that wars and crises between nations can arise not simply from the existence of arms but from clashing interests or the ambitious pursuit of unilateral interests. That is why we seek progress toward the solution of the dangerous political issues of our day.

I am nevertheless hopeful that your negotiations with representatives from the Soviet Union will serve to increase mutual security. Such a result is possible if we approach these negotiations recognizing the legitimate security interests on each side.

I have stated that for our part we will be guided by the concept of maintaining "sufficiency" in the forces required to protect ourselves and our allies. I recognize that the leaders of the Soviet Union bear similar defense responsibilities. I believe it is possible, however, that we can carry out our respective responsibilities under a mutually acceptable limitation and eventual reduction of our strategic arsenals.

We are prepared to discuss limitations on all offensive and defensive systems, and to reach agreements in which both sides can have confidence. As I stated in my address to the United Nations, we are prepared to deal with the issues seriously, carefully, and purposefully. We seek no unilateral advantage. Nor do we seek arrangements which could be prejudicial to the interests of third parties. We are prepared to engage in bona fide negotiations on concrete issues, avoiding polemics and extraneous matters.

No one can foresee what the outcome of your work will be. I believe your approach to these talks will demonstrate the seriousness of the United States in pursuing a path of equitable accommodation. I am convinced that the limitation of strategic arms is in the mutual interest of our country and the Soviet Union.

DEPARTMENT OF STATE,
Washington, D.C., December 17, 1969.

Hon. LEE H. HAMILTON,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN HAMILTON: The Secretary has asked me to reply to your letter of December 8 concerning SALT.

I understand that Mr. William W. Hancock, the General Counsel of ACDA, has already written to you in response to an identical letter you sent to that Agency. As he pointed out, it is too early to forecast what form possible arrangements that might emerge from SALT would take. Whatever the arrangements, they would, of course, be designed to conform to Constitutional and statutory requirements.

Thank you for your interest in these negotiations. As the Secretary has indicated, progress thus far in the preliminary talks has been encouraging.

Sincerely yours,

H. G. TORBERT, Jr.,
Acting Assistant Secretary for Congressional Relations.

ASSISTANT SECRETARY OF DEFENSE,
Washington, D.C., December 22, 1969.

HON. LEE H. HAMILTON,
House of Representatives,
Washington, D.C.

DEAR MR. HAMILTON: The Secretary of Defense has asked me to reply to your letter of December 8, 1969, concerning our goal at the SALT talks.

I agree with you that there is an important distinction between a formalized arms limitation treaty and an informal agreement. However, at this early stage of our contacts with the Soviet Union, it would be inappropriate for the Department of Defense to make any statement on the desired form of agreement. The results of the complex negotiations on the content of a possible agreement will certainly influence the President's decision with respect to its form.

I trust you will understand that we cannot supply a more explicit response to your question at this time.

Sincerely,

YUAN-LI WU,
Deputy Assistant Secretary.

A 16-YEAR-OLD'S MATURE REFLECTIONS ON THE CONSTITUTION

HON. VANCE HARTKE

OF INDIANA

IN THE SENATE OF THE UNITED STATES

Friday, February 6, 1970

Mr. HARTKE. Mr. President, on a recent trip to my native soil in southern Indiana my attention was called to a speech given not long ago by a 16-year-old student at Tell City High School, Mr. William Harry Hollander. Presented to Post No. 2113 of the American Legion, the speech stresses those dynamic and creative elements in our Constitution which help to keep it a vital and living document in a changing world.

I was so struck by the thoughtfulness and cogency of young Mr. Hollander's remarks that I wanted to share them with Senators. I, therefore, ask unanimous consent that Mr. Hollander's speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

THE CONSTITUTION IN A CHANGING WORLD

In 1787 one of the most important documents in the history of mankind was written. The United States Constitution, drafted at a critical point in our nation's history, was intended to bind the young nation together and it did that job well. The United States had suffered through a period of economic and political instability in the years immediately following the revolutionary war. The weak framework for the law of the land, The Articles of Confederation, was clearly not strong enough to hold the nation together for very long and so the states decided to strengthen the Articles by calling a convention to reform them in 1787. Fortunately, the men appointed to the convention were foresighted enough to see that the articles should be discarded and a new constitution written. "The whole human race will be affected by the precedings of this convention", said Governor Morris, who headed the committee that eventually wrote the final draft. The delegates faced a tremendous challenge. The examples of the past suggested the seeming impossibility of a large-scale republic. But this revolutionary generation was not dismayed and eventually that is what they called for. When the convention was finished Benjamin Franklin, who was one of the delegates, was asked by a a lady, "Well, Doctor, what have we got a republic or a monarchy?" "A Republic," replied the sage, "if you can keep it."

Remarkably, America has kept it. The failure of others to do so points up the stability of our constitution. In the period of American history since the constitution was adopted France has gone through five constitutions and has switched from a republic to a monarchy and back to a republic. In 1789, again in 1848, and once again in 1871 France was hit with uprisings not planned and instigated by conspirators but rather spontaneous revolutions by the mass of the French people and in 1948 virtually the entire continent of Europe was hit as well. Russia may provide the best example of a revolutionary climate. Its' rulers frankly proclaimed autocracy the first and best principle of government. In 1917 the autocrats fell and the communists took power. But these are not the only examples. History is filled with the stories of governments that failed to keep up with times and were overthrown.

Somehow, America has escaped violent revolution. Only once in our one hundredninety year history has the strength of the government been seriously jeopardized. It is not that America has not had its dark moments. Many foreign governments would have toppled during the depression of the 1930's but even at that time the American government remained stable, sustained by a new President elected in the midst of that depression. Political assassinations have toppled governments in other nations, yet the United States passed sadly but smoothly through the assassinations of four American Presidents in its relatively short history.

What is the key to America's stability? I feel that it lies in the Constitution, the backbone of our system. Certainly few nations can boast of a constitution that has not been rewritten in two centuries and fewer still can boast of a more stable government today.

Violent revolution is virtually impossible in a nation whose political system is, by definition, concerned with the rights and interests of every citizen. But, in a nation of 200 million it is easy for the system to become detached from the people and if a nation is to survive it must keep in touch with the people, and with the times. That is where the American system, as outlined in the Constitution excels.

History shows us how times change. The French monarchial system had worked for many years but by 1789, when it was overthrown, it was obviously not working. For years the Russian people lived under autocracy but finally in 1917 they grew tired. In both cases the times had changed but the governments had not. Here in the United States one could hardly expect a constitution written when only four million people lived in this country and the best roads were those of packed mud to effectively govern a nation of 200 million in the jet-age without changing drastically. And it is true: America's Constitution has changed. The ideas set forth in 1787 remain but the forms of these ideas are unrecognizable.

The United States Constitution has many built-in methods of change. Three are very obvious. The first one is perhaps the most exciting and the most dramatic example of democracy in action. That is, of course, the election. Through a national election every four years and periodic state and local elections, Americans can vote to in effect "overthrow" their government. Certainly the results of many past elections have made radical changes in government policy. But, it must be pointed out that these changes were made peacefully and by the will of the majority of the people. The second method, making amendments to the constitution is used less frequently, but can make just as dramatic a change in the nation. The United States Constitution has been amended only fifteen times since the Bill of Rights was adopted in December of 1791. But some of our most important and controversial changes have come about by amendments.

The third method is probably used the most, yet recognized the least. That method lies in the awesome power of the courts to interpret the constitution. By changing interpretations to fit the times the federal court system is largely responsible for keeping the constitution one of the most important and respected documents in our changing world.

But, if this document is to help us solve the problems facing our nation today we must first resolve to live under it. Those who preach violent revolution, no matter how small a minority they are, are ignoring the basic idea of the constitution: peaceful change. They cannot be allowed to inflict their methods on the government, though if we, as a government, are to survive we must at least listen to the views of all people. We must learn from the histories of other governments that a group of people whose views are not listened to and heeded by the government are inclined to do away with or at least violently change that government. We have seen that America's Constitution provides for the peaceful change that can make violent change unnecessary. But, we must make sure at all times that our machinery for change is in good working order for if it falters for even a moment we will be in serious jeopardy. In these changing times the constitution is facing a serious challenge but it has been challenged before and it has always survived. The Constitution was not meant to be an old, musty document, spoken of only in history books but rather a live, changing guideline for a nation on the move. As "Time" magazine observed in its January 5th issue of this year, "Most middle Americans and most radicals share one blind spot: they tend to forget that both the form and the content of the United States government have undergone enormous changes over the years and that the Constitution will tolerate much more change without having the entire system collapse."

Defending the American Constitution alone is not enough. We must make sure that the Constitution is in fact keeping up with the times, is not alienating large groups of society, and thus is not in itself breeding revolution.

Abraham Lincoln said in 1861, "This country, with its institutions, belongs to the people who inhabit it. Whenever they shall grow weary of the existing government they can exercise their constitutional rights of amending it or their revolutionary right to dismember or overthrow it." To me those lines represent the most valuable section of the United States Constitution:—the section that provides for changing what is wrong.

Today, it may be that our political parties are growing too detached from the people, that too few people are choosing our candidates. It may be that younger people, with increased education, deserve the right to vote at an earlier age. Dozens of other possible problem areas in our government have been pointed out; certainly all do not need changing, but the least we can do is explore into them.

That is the challenge of the 1970's: to find what is wrong and change it while holding on to what is right. If the constitution will continue to change, and I think it can, America will gain from the experience.

As Benjamin Franklin told the lady after the Constitutional Convention, "you have a republic if you can keep it."

ADDRESS BY JAMES D. HITTLE

HON. CHARLES E. CHAMBERLAIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1970

Mr. CHAMBERLAIN. Mr. Speaker, recently I was privileged to introduce the Honorable James D. Hittle, Assistant Secretary of the Navy for Manpower and Reserve Affairs, to the Greater East Lansing Chamber of Commerce, East Lansing, Mich., who gave a most enlightening, provocative speech on the current situation in Vietnam. I commend it to the attention of my colleagues and include his remarks in the RECORD:

REMARKS BY HONORABLE JAMES D. HITTLE, ASSISTANT SECRETARY OF THE NAVY (MANPOWER AND RESERVE AFFAIRS), AT THE ANNUAL MEETING OF THE GREATER EAST LANSING CHAMBER OF COMMERCE, KELLOGG CENTER, MICHIGAN STATE UNIVERSITY, EAST LANSING, MICH., JANUARY 15, 1970

INTRODUCTORY REMARKS

It is a pleasure for me to be with you this evening. I'm glad to be here for the very simple but real reason that I can join with you in remembering the man who was your friend and my father.

For me to be present on the occasion of the first "Senator Harry F. Hittle Award" is an experience which I cherish and will long remember. It is not necessary to speak to you regarding my father's contributions to our State, his old-fashioned concept that public service is a normal duty of citizenship, and that our form of government is one of the finest achievements of man.

However, I do want to tell you that from the rare vantage point of a son observing his father, I was impressed early in life by his devotion to our principles of law, our form of government, and the essential common sense of our citizens. In his quiet and sincere way, he had a deep and abiding affection for all of you in this community. As many of you will recall, he was a man of great moral strength, and firmness of spirit, and had the determination to achieve that which needed to be done for the betterment of our community.

At the same time, along with such strength of character, he had, as many of you will also remember, deep compassion for his fellowman. He was a worthy antagonist in the courts and in the political forum. Yet, I well remember that he never had a personal enemy. He refused to personalize opposition. In a real sense he lived by the wise, but oft-forgotten proverb, that life is too short to engage in personal animosity.

And so tonight, on behalf of my mother, my sister, and for myself, I take this occasion to thank you for remembering my father with this first annual award which you have so generously established in his memory.

Tonight I would like to talk with you about what we all recognize as one of the most important issues of our time. I refer to the Vietnam War. I would like to pass on to you some of my thoughts as to those who are fighting there for freedom, and also, my opinions, based on repeated visits to Vietnam, as to the soundness of President Nixon's policies of Vietnamization.

Let me say right at this point that anyone today who has serious misgivings about the character and the patriotism of American youth should go to Vietnam—and those misgivings will be dispelled.

Officers and NCOs who have commanded in World War II, Korea, and now in Vietnam, are high in their praise of today's young American fighting man. They say without exception that the young serviceman today is by far the best we've ever had in the Armed Forces.

Of course, the reference to the magnificent services being performed by young Americans serving in Vietnam brings us squarely face to face with probably the most important single issue facing our Nation.

It is the issue of supporting our Nation and our Commander-in-Chief—The President—in this difficult time.

It is the natural role of responsible and understanding American citizens to make it crystal clear, through a show of patriotic solidarity that the protesters, the dissenters, and the faint-hearted are *not the majority of* the American people.

During my recent visit to Vietnam, I was repeatedly told by our fighting men, many serving their second tours of duty there, that they hoped that the President would be supported fully in his Vietnamization policy and the resulting properly timed measured withdrawal of U.S. Forces. They said that if he gets this backing from the American people—as I am sure he will—their efforts in South Vietnam will come out successfully.

I know that I need not tell you of the danger of the proposals for a precipitant withdrawal of U.S. forces from South Vietnam.

The President of the United States clearly set forth the pitfalls of such a dangerous policy when he spoke in clear terms to the American people a few months ago.

As the President so well pointed out, such a precipitant withdrawal would allow the Communists to repeat the massacres which followed their takeover in North Vietnam 15 years ago. At that time the Communists murdered more than 50,000 people and hundreds of thousands more died a slow death in the slave labor camps.

And, of course, our precipitant withdrawal would endanger well over a million Roman Catholic refugees who fled to South Vietnam when the Communists took over in the north. These are people who value freedom of religion and the desire to worship God in their own way above all worldly possessions. They left their farms, their homes, their personal possessions and fled south, often with little more than their Bible.

On one of my visits to Vietnam I had the opportunity to talk with one of these Catholic refugees from the north. We sat in a quiet corner of a side street tea-room in Saigon. He has, today, a very modest job—but enough to provide food and some sort of roof for his family. And, he has, he said, freedom. I asked him what would happen if the Communists should take over South Vietnam. He thought for a moment and said, "The answer is simple. There would be nothing but torture and death for my family and myself."

Are those who are today advocating a precipitant pull-out willing to sacrifice a million people, such as this man and his family. Apparently, such sacrifice is acceptable to some.

Just because the bloodletting and torture would take place on the other side of the world doesn't make it any more acceptable from the moral standpoint.

There's one thing that Americans should well know: that freedom is indivisible, and that the destruction of freedom anywhere means the destruction of some freedom everywhere.

A precipitant withdrawal from South Vietnam would mean also, as the President so pointedly stated, that it would be the first defeat in our Nation's history and that it would end worldwide confidence in American leadership.

You and I know full well that no nation can survive and reach the fulfillment of its destiny by letting down its friends, breaking its word, and running scared before the oppressor.

If history teaches anything, it is that nations, like people, cannot with impunity break their pledge or shirk their responsibilities.

I am confident that we all shared a sense of reassurance and new confidence when the President told the Nation on November 3rd that he was not going to take the easy way out; he was not going to endanger the quest for peace by a precipitant withdrawal. That he would not, in effect, preside over a retreat that would trigger a disaster of immense magnitude.

By leading us in a policy of standing firm on our word, by our pledge, to our allies and friends, and being faithful to ourselves, the President also is moving toward the goal that Americans devotedly hope for. That goal is a firm and honorable peace.

We Americans treasure peace but we know that peace at any price is the easiest thing to get. All we have to do to get that kind of peace is to surrender. We also know that peace at any price is not really peace. It's the silent peace of the concentration camp—the blood splattered wall—the mass graves. But achieving an honorable peace is not a unilateral endeavor. After listening to the President's point-by-point account of the actions he has initiated in the quest for peace, one can only come to the simple but inescapable conclusion that failure to achieve peace in Vietnam rests firmly with Hanoi and not with the United States and our allies.

In his search for the end to the conflict, the President has adopted the policy of Vietnamization of the struggle in South Vietnam. It means to shift gradually the responsibilities of peace winning to the South Vietnamese.

Of course, those, including the faint-hearted, who criticize our stand in Vietnam against oppression say that the South Vietnamese won't carry their own load and that they won't fight. Well, let me say that this could very well be sheer falsehood and vicious propaganda.

Let me give you a few facts about the lie that the South Vietnamese won't fight.

Let's approach it this way: the number of battle casualties is a good indicator of the willingness of a people to fight. So, let's take the matter of South Vietnam's military combat dead. Since 1961, almost 100,000 South Vietnamese troops have been killed defending their country against Communist aggression. This by any count is a heavy toll. Yet, the real significance of war casualties is in relation to the proportion of total population.

If we project South Vietnam's casualties into our U.S. population, which is about 13 times that of Vietnam, we can better appreciate the impact of the war on the Vietnamese.

The South Vietnamese combat dead total is the equivalent of over one million combat dead for the United States.

This means, in turn, that on a percentage of population basis, the total of military war dead suffered so far by South Vietnam is: More than 13 times our total in World War I; over three times our total in World War II; about 36 times our total in the entire Korean War.

Therefore, when judged on a relative basis with what our own nation suffered in our great struggles against oppression, South Vietnam measures up extremely well.

South Vietnam has, by every measure, set forth a high example of opposition to communism, and of sacrifice, devotion to freedom and determination to keep it.

What South Vietnam has paid and is paying in blood to stay free deserves the commendation, not the condemnation, of freedom-loving people.

And still the South Vietnamese are fighting and dying to turn back Communist ag-

gression. And what is more, they are fighting better all the time. I can report this to you based upon comparisons I have personally made in repeated trips to Vietnam over the last five years. In these visits, I have been to every major combat area from the DMZ to the Delta.

Just about a year ago, I began to sense that something new and dramatic and encouraging was happening in South Vietnam. Time and again, U.S. fighting men, both officers and NCOs told me that the least understood development taking place then in South Vietnam was the tremendous improvement in the South Vietnamese forces. One battalion commander in the northwest highlands, who had been fighting alongside a South Vietnamese unit, told me indignantly that the improvement in the South Vietnamese Army was then the most important untold story of the war.

I was in South Vietnam again a few months ago. On that occasion, the improvement in the fighting ability of the South Vietnamese was increasingly evident. In the Delta for instance, the U.S. Navy has turned over a large portion of our river patrol craft to the South Vietnamese Navy. These are the boats that have been fighting the tough, close-quarters war in opening up the waterways that are the arteries of commerce and the pathways to security in the rich Delta area.

I can report to you that the South Vietnamese Navy has assumed this responsibility willingly. It is continuing the operation of the river patrol craft, and it is conducting operations skillfully.

You are all aware that the policy of shifting the burden to the South Vietnamese as they gain strength has resulted in the President's plan for the programed withdrawal of over 110,000 U.S. fighting men by mid-April of this year. These redeployments began last June and have been progressing smoothly ever since. But there are other hard, clear indicators which to me have been the measure of success of our efforts in South Vietnam. For instance, roads that 18 months to two years ago were virtually impassable due to enemy action are today opened for normal day-time traffic. Villages are being brought back to the mainstream of political and economic life. A big start, in terms of a war-torn nation, has been made in establishing a constitutional form of government. And this is no mean accomplishment for a nation fighting for its very survival against an enemy attacking from without and within.

Even the railroad running north along the coast from DaNang to Hue is now operating with amazing regularity. Two years ago, when I was in the northern part of South Vietnam, the railroad was not, from the practical standpoint, even functioning.

Probably one of the best summations of this whole farsighted policy of Vietnamization was expressed to me by a battle experienced lieutenant colonel who is on his second tour of duty in Vietnam. He said, "All of the investment in lives, blood, money, and material that the United States has made in the last five years is just now beginning to pay the big dividends in South Vietnam's increasing combat ability."

And so at this critical juncture of history when we have started to move across the threshold of success in this long, bitter conflict, it should be abundantly clear that the precipitant withdrawal which too many loud protesters are urging is nothing but a blue-print for surrender.

To pull out in the face of an aggressive and vicious enemy is an invitation to disaster. In Vietnam, an immediate withdrawal of all American forces would be a disaster for South Vietnam and for the United States. And it would be a disaster for the cause of peace. That kind of withdrawal is not the American way. And, as the President of the United States told us, it's not going to be his way.

I'd like to relate to you just a few of the remarks made to me by our fighting men in Vietnam.

Soon after the decision was made to openly enter the Vietnamese conflict, I visited Vietnam. The Marines had gone ashore from the Fleet at the strategic coastal location of Chu Lai. I arrived there while the Marine operations were still continuing against surrounding enemy units, and while the Seabees were still constructing the expeditionary aircraft runway. I wanted to know what our young men in Vietnam who were doing the fighting thought about the anti-war picketing and protesting back home. I asked one young Marine, about 20 years old, in embattled Chu Lai what he thought of those carrying placards "We won't fight in Vietnam."

He said: "I wish I had one of those smart protesters here. I'd like to take him with me on outpost duty tonight. There's a V.C. (Viet Cong) sniper who's been trying to get me for the last three nights. But I haven't been able to nail him yet." He paused and smiled. "I'd sure like to get him in my foxhole when that sniper starts working on us. I want to see how much that protester will wave his placard then."

His speech finished, he trudged through the sand back to his platoon. In a few hours he'd be back on outpost duty, trying to "nail" the Communist Viet Cong sniper before the sniper could get him.

Recently, while flying to a conference at Pearl Harbor, I noted a young corporal a few rows back from me in the plane. During the flight, I walked back and sat down and told him that I had served in the Marine Corps and started chatting with him.

He was, he told me, on his way to Vietnam. I asked him, "Is this your first time out?" He said, "No, I'll be going in to my second extension." I said, "Why have you served one full year, extended for one six-month period, and now are extending for another six months?" He said, "Well, the first time I etxended I did it because some of my close friends had been killed in action, and I wanted to get even. I did get even, but also, during that added six months, I realized how necessary and important our job is that we are doing in Vietnam, and I wanted to keeping on doing more of it."

But probably the best and most memorable explanation of duty I have ever heard came from a young Negro Army sentry on a lonely observation post overlooking Cam Ranh Bay. I stopped in the course of a visit to talk with him. I asked him if he had a family. He said, "Yes, I'd just been married a few months before I came out here again." I asked, "What does your wife think of your coming to Vietnam a second time?" He said, "She agreed when I told her that I believed I should be back here. I volunteered for a second tour." I said to him, "Why did you volunteer in spite of the fact that you had been married only a few months?" He thought for a moment and said in very simple language, "I think that it's every American's duty to do what he can to help his country when it is in trouble."

But, if there's anybody who has earned the right to complain about fighting in Vietnam, it is the man who has been wounded in that fighting. He has paid for that right with the high price of his blood and, too often, his limbs.

I can report to you now on the basis of personal knowledge that if you want to hear gripings, complaints, and criticisms about our Nation standing against Communism in Vietnam, then don't go to the hospital wards and visit the wounded from the Vietnam Battlefront. Those who have borne the brunt of battle are not the ones who are beefing about it.

A few months ago in Pearl Harbor I visited the battle casualties who have been flown in for treatment in Tripler General Hospital. Among the wounded I talked with was a young corporal. One leg was in traction, an arm was in a cast, and he had machinegun holes in his stomach.

I stopped and chatted with him. I asked him how long he had been in Vietnam before he was hit. He said he had been there almost two years. I asked him why almost two years, as the required tour was one year. He replied that he had twice voluntarily extended his duty. I asked him "why did you do that?"

He replied, "I was assigned to train and fight with a local village militia platoon in the northern hill country." He continued, "I found out how much these people wanted to be able to defend their villages and their families against Communism. I knew what I was doing was important, and I wanted to keep on doing my job." And then he added, "I believed that those village militia men would stand and die rather than let me be captured. I found out I was right. I would have been killed or captured if they hadn't stood by me. When we were hit by a big V.C. unit, two were killed in defending me when I was wounded."

A few months ago, I visited the Vietnam casualties at the Great Lakes Naval Hospital just outside Chicago. Above the bed of every Vietnam casualty was a United States flag. Each wounded fighting man, when he leaves the hospital can take the flag from over his bed with him. And, they do. And, when a new casualty comes in, he wants a flag over his bed without delay. This, again, is a reflection of the genuine patriotism, devotion, and inherent goodness of those who know what it means to defend their flag and what it stands for.

I strongly suspect that the attitude of some of these men would not get a very high grade from those who protest against our Vietnam policy. However, I for one stand in admiration and respect for the kind of spirit reflected in their statements. It reflects the kind of courage, toughness, and determination that helped carry our Nation from the Atlantic across the mountains, rivers, prairies, to the Pacific. It is the kind of spirit that made our Nation free and made it great. And we can be glad that this spirit still exists in our youth.

At a Naval hospital in the south, I was talking to a young Army corporal. He had been sent to a Naval hospital because it was near his home. I noted that he had lost a leg below his knee. I asked him about the action in which he was hit. He said he was on Hamburger Hill That was just about the time the critics of our Vietnam policy were engaged in the "Monday morning quarterbacking" and saying that it was a battle that should not have been fought. I was curious about the corporal's reaction to such opinions. I said that since he had been on the Hill and wounded there, what was his reaction to those who were saying that he should not have been there in the first place. He thought for a few moments and said, "This war isn't going to be won by the protesters back in the U.S. It's going to be won by the guy with the rifle who takes the high ground."

And finally, there was the Marine corporal who had lost both legs. In the course of my chat with him, I asked him what he was going to do when he was discharged to civilian life. He said he was going to college. I asked him what he was going to take. He said he was going to be a teacher. I said that is certainly a most commendable objective, but I was curious as to why he wanted to be a teacher. He looked at me and said, "Well, I think I've earned the right to tell the youngsters what this country is all about."

So, I am sure that you will join with me in admiration of today's American fighting men who are demonstrating that courage, devotion, professionalism, soldierly virtues, and patriotism are still in abundant supply.

We can also be sure that America's destiny is not going to be decided by placard-carrying demonstrators in the streets who urge surrender, sacrifice of our friends, and disgrace for ourselves.

Thus, we can joint this evening in the reassuring realization that we face our destiny under the leadership of a President who has taken the Nation into his confidence and in so doing has placed his faith in the courage and common sense of the American people;—a President who has chosen the right way rather than the easy way.

THE CRIME OF COMPETITION

HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1970

Mr. MILLER of California. Mr. Speaker, unfortunately, I could not be on the floor, on February 5, when the Honorable L. MENDEL RIVERS, chairman of the Committee on Armed Services, made a speech in support of the supplemental air carriers and condemning the action of the Civil Aeronautics Board in making summary charges against them.

I would have liked to have been here to support the chairman's position.

I wish to insert in the RECORD, as part of these remarks, an editorial which appeared in the Wall Street Journal on February 4, 1970, pertaining to this case and I also want to include a news release issued by the president of World Airways, Edward J. Daly, in which he discusses this question in depth and at some length.

I have known Mr. Daly for many years. He is an outstanding citzen of the East Bay area and has made a great contribution to our economy. Among other things, he is head of the National Association of Businessmen and is actively engaged in trying to solve the vexatious problem of integration in our area.

I commend these articles to my colleagues:

THE CRIME OF COMPETITION

The Civil Aeronautics Board has charged five airlines, plus assorted individuals, with the crime of competing for air travel business. That's right, the crime of competition.

While price competition is viewed favorably most places, on the airlines it's illegal. With the full approval of governments, rates are carefully fixed, both at home and abroad, and woe to he who transgresses.

There is some leeway for the charter airlines, which arrange to transport groups of people on various tours. The groups, usually members of church, faternal or other organizations, qualify for lower fares.

The CAB, however, alleges that five of the charter airlines have been a bit casual in assembling such groups, in effect offering the lower rates to members of the general public. Several of the lines quickly denied the charge.

This is by no means a minor matter. The CAB's enforcement bureau has recommended suspension of the operating authority of four of the airlines. Under the law, too, the lines could be subject to a $1,000 fine for each violation of the price-fixing law, and the enforcement bureau claims violations by the five lines exceed 70,000.

It all may be a bit puzzling to ordinary citizens. They can see that the airlines complete every day, in the beauty of their hostesses, the quality of their booze, the size of their seats and other matters. At least some of the public might prefer a little less of that sort of thing and a little more competition in the price of tickets.

There are entirely valid reasons for governmental regulation of all airlines. To cite only a couple, someone has to make sure that the planes are as safe as possible and that the airlines are responsible—and won't leave travelers stranded in out-of-the-way places.

In the airlines' infancy it may have been necessary to shield them from competition. At present, though, it's possible to wonder whether the public's interest actually demands that price competition in the air be branded a crime.

WORLD AIRWAYS CALLS CHARTER FLIGHT RULES OUT-OF-DATE—QUESTION OF ANTI-TRUST INVESTIGATION OF SCHEDULED AIRLINES RAISED

World Airways' president and chairman of the board, Edward J. Daly, asserted today that a complaint filed by the Civil Aeronautics Board staff against World last Friday arose from a highly technical interpretation of an outdated and ambiguous CAB regulation.

He labeled the complaint as unwarranted and strongly denied that the charter flights cited by the Bureau of Enforcement were in violation of the regulation.

"The rules and regulations governing charter flights are archaic, ambiguous and incomplete, leading to a variety of interpretations," Daly said. "World has proposed to the CAB new regulations that would more clearly define groups eligible for charter trips. The staff of the CAB has itself recognized the need for the changes and top priority should be given to revision of these regulations."

He pointed out that these recommended changes were submitted to the Civil Aeronautics Board seven months ago.

Daly said that the Bureau's action against the supplemental carriers had unfortunately played into the hands of the scheduled carriers, "which have on a number of occasions stated their intention to rid themselves of supplemental competition." He severely criticized the scheduled airline industry for blocking every move to clarify and liberalize the rules affecting charter flights.

"The scheduled lines have done everything they can to prevent people from taking advantage of low-cost charter flights in order to force them to use high-cost individually-ticketed service," Daly said. "It is only in retaliation that they have recently established low bulk fares and other group fares that would promptly disappear if they are successful in eliminating charter competition."

"The scheduled lines, both U.S. and foreign, are currently campaigning to block charter carriers from obtaining landing and uplift rights from foreign governments. Some of these activities of the scheduled lines appear to be the proper subject of antitrust investigation."

"The CAB should deal with foreign governments on a reciprocity basis. Unless landing and uplift rights are granted by these governments for the U.S. charter carriers, their airlines should be denied such privileges in the United States."

"It is ironic," Daly continued, "that the supplementals have been singled out for special attack even though the investigation that led to these complaints was instituted by the Board in 1963 against unauthorized ticket discounting and rebating practices by the scheduled carriers. Despite the lapse of seven years, no significant action has been taken as yet against the IATA airlines. Why have the scheduled lines who carried the same groups cited by the bureau not been subject to complaints similar to those leveled against the supplemental carriers?"

Daly also emphasized that World, in conjunction with the other supplementals and the National Air Carriers Association, submitted to the CAB for approval an industry-wide enforcement program. This program would permit cooperation among all carriers operating charters, to provide procedures to assure more effective compliance under present and future regulations.

He asserted that the charter rules adopted by the CAB in 1955 have the effect of inhibiting group travel rather than promoting it. The result, he charged, tended to protect the vested interest of the scheduled carriers rather than to provide for the public interest.

"Low cost travel, which World and the supplemental industry have pioneered, is completely in the interest of the traveling public," Daly said. "Such travel should be encouraged, not penalized, and ways should be sought to enlarge the number of people who can fly by charter rather than trying to restrict the market."

Daly urged the Civil Aeronautics Board to review on an expedited basis the existing rules with a view toward setting forth clear and unambiguous charter regulations.

"Thus, we can act in concert to make the benefits of low-cost air travel available to a greater segment of the public," he concluded.

World Airways is the world's largest charter airline. Based in Oakland, California it operates an all jet fleet of 15 aircraft. Three Boeing 747C's are on order for delivery in 1971.

ALABAMA VA HOSPITALS FACE SERIOUS PROBLEMS

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1970

Mr. TEAGUE of Texas. Mr. Speaker, I am more concerned about the Veterans' Administration medical program today than I have been in all the years I have been in Congress. There are serious fund and staff shortages throughout the 166 hospitals in the VA system. In many hospitals this situation is creating a serious morale problem because the staff is overworked resulting in many hospitalized veterans not receiving the quality of medical care which VA hospitals have been capable of delivering in the past. In many cases, there are large backlogs of applications and authorizations from Vietnam veterans who are in need of dental exams and treatments. A great many hospitals are having to use equipment and maintenance funds to avoid further staff cuts and to pay for increased costs of drugs, medical supplies, and other day to day hospital operating costs.

Mr. Speaker, I feel very strongly that most of the general medical and surgical hospitals in the VA system should have at least two employees for each patient and at least a 1-for-1 ratio in psychiatric hospitals. The present average ratio is about 1.5 staff for each patient. The 1971 budget request, which has just been submitted to Congress for the Veterans' Administration, calls for a slight increase to about 1.56 by the end of that fiscal year on June 30, 1972. It appears that some of this increase is the result of closing hospital beds and wards. By comparison, Mr. Speaker, in general medical community hospitals and State and local

government hospitals operate on an average ratio of 2.72 employees for each patient.

The Veterans' Affairs Committee investigation of four Alabama Veterans' Administration hospitals initially revealed funding deficiencies in fiscal year 1970 of over $3,000,000 for the operation of about 2,800 beds serving approximately 400,000 Alabama veterans.

In Alabama, VA hospitals are located in Birmingham, Montgomery, Tuscaloosa, and Tuskeegee.

The investigation being conducted by the House Veterans' Affairs Committee revealed that under the hospital staffing formula advocated by Teague, Ala., VA hospitals are approximately 1,300 positions short of needed staff. These extra positions would cost about $9,100,000 annually. A few of these positions would be difficult to fill at current VA salary rates, but most are recruitable. Alabama hospital directors also reported that community nursing care programs at their hospitals were underfunded by more than $180,000 and that more funds were needed in the amount of $200,000 for dental care due to the increased workloads created by returning Vietnam veterans.

As of February 6, 1970, the Alabama Hospital Directors had advised the Veterans' Affairs Committee that supplemental funds had been received in January 1970, to apply toward the reported deficiencies. A total of $18,640 was provided for the community nursing care program which reduced the unfunded deficiency from $180,825 to $162,185. An additional $35,000 was allotted to apply against the $200,000 deficiency report for fee basis dental care. The hospitals also received $125,000 to alleviate shortages in personnel salary costs and other operations. The total supplemental allotment was $178,640 for Alabama VA hospitals. Of course these modest allocations are wecome but they do little to alleviate the serious problems confronting these hospitals.

The 479-bed Birmingham VA Hospital reported the largest funding deficiency among Alabama hospitals—over $1,300,000 for fiscal year 1970. Almost $500,000 is needed to cover salaries for 130 on duty personnel.

Hospital Director C. G. Cox reported that diversion of $68,000 in equipment funds may be diverted "to cover costs of drugs, beneficiary travel, X-ray films and other supplies and services."

The Birmingham hospital has been equipped to provide specialized medical care for Alabama veterans. However, Cox reported some programs are inadequate in scope because of lack of funding support. Recruitment for 33 nursing positions for the 28 intensive care unit beds have been deferred since July 1, 1969, because of lack of funding. They are short one physician in the cardiac catheterization unit and eight positions in the organ replacement program.

Additional shortages include $26,400 for the chronic dialysis program and $35,640 for the open heart surgery program. Cox reported that many patients are referred or transferred to the Birmingham VA Hospital "for specialized care that cannot be obtained in other hospitals in the area."

Director Cox also reported that funding was insufficient for the community nursing care program. At the beginning of the fiscal year, July 1, 1969, there were 31 patients in community nursing care facilities but funding support was received for an average daily community nursing care load of 19. He stated the program was underfunded by $12,887.

The Birmingham hospital "has not been informed that we are to receive additional funds," Cox reported to the committee in January 1970.

Dr. J. W. Standeven, director of the 253-bed Montgomery VA Hospital, reported his funding deficiency was about $370,000. Almost $200,000 of this amount is required to process applications for dental care for returning Vietnam veterans. Unless additional funds are made available, authorizations for dental examinations and treatment will be delayed.

Standeven reported that the community nursing care program was underfunded by about $45,000 to cover the cost of placing veterans in nursing homes who have received maximum hospital benefits. He said that an average daily community nursing home care load of 16 could have been maintained but that funding support allowed for only eight.

Other shortages at the Montgomery VA Hospital included $17,500 for prosthetic appliances for an increased number of Vietnam amputees, $15,000 for prescription drugs, $7,200 for cobalt treatment fees and $5,000 for patient travel expenses. Standeven said "it is planned to leave positions vacant for varying periods of time to accumulate funds to meet other expenses."

The Montgomery VA Hospital received a supplemental allotment of funds in January 1970, according to Dr. Standeven. He stated $35,000 had been received to reduce the previously reported deficiency of approximately $200,000 for the fee basis dental program; $2,564 was included to apply toward the $45,000 deficiency in the community care program. He said this would cover the cost of one outplacement for 6 months. Standeven said, "We consider this inadequate to sustain the program to any satisfactory degree."

An additional $45,000 was provided to cover shortages for salaries. Dr. Standeven advised the committee—

Reduction in force will not be necessary as a result of increased funds. However, the eight positions already dropped by attrition can not be reestablished because of inadequate funds.

Dr. James C. Folsom, director of the 833-bed psychiatric hospital at Tuscaloosa reported a fund deficiency in fiscal year 1970 of over $700,000. About $304,000 is needed for 40 positions to support the workload anticipated in fiscal year 1970.

Folsom reported that fiscal year 1970 funding for the community nursing care program was based on experience for fiscal year 1969. He reports that an average of 24 patients could be placed in community nursing homes rather than the average of four maintained during fiscal year 1969.

Folsom stated he was deferring filling 13 positions to accumulate funds and that he had diverted $54,000 planned for equipment and maintenance and repairs of hospital facilities to cover shortages for drugs, utilities, medical supplies, and salaries for nursing employees, physicians, and psychologists.

To achieve the staffing ratio of one employee for each patient at the Tuscaloosa psychiatric hospital, 61 more employees at a cost of almost $600,000 would be needed. Almost all of the positions are recruitable but Folsom said, "present salary scales are totally insufficient for Board certified Psychiatrists and above average qualified psychologists which we sorely need in this psychiatric hospital."

Dr. Folsom later advised the committee, in January 1970, that the Tuscaloosa hospital had received supplemental funds in the amount of $7,630 for the community nursing care program. He reported the additional funding would enable the continued care of the service-connected veterans already outplaced without interrupting the continuity of care of other veterans in the program. However, there are 12 more patients that are ready for discharge from the hospital now, and 23 more who will be ready for outplacement during February and March. He predicted 32 could be discharged from the hospital to community nursing homes in April, May, and June. Folsom stated the cost for placement of these patients is $87,428.

Dr. Robert S. Wilson, director of the 1,225-bed hospital at Tuskegee advised the Veterans' Affairs Committee that unless he received additional funding support he would divert approximately $160,000 of much needed funds for equipment replacement and maintenance and repair of hospital facilities to support salaries for direct patient care personnel and to partially cover other fund deficiencies. These funds had been planned to replace obsolete equipment and to improve patient comfort. Listed among equipment items deferred were hospital beds, a surgical sterilizer, a dietetic oven, emergency lights and X-ray machines. Maintenance items to be deferred include replacement of two elevators, replacement of detention screens in psychiatric wards and other badly needed building maintenance.

Wilson said his total fiscal year 1970 deficiency was almost $600,000 and "it is necessary to reduce the number of full-time positions on duty from 1,169 to an average of 1,120 for the last half of the year," a loss of 49 positions.

Wilson stated they "desperately need" the $4 million modernization project for certain plant alterations and air conditioning which has been deferred in the current fiscal year. Plans have been completed at a cost of approximately $225,000 and the 91st Congress appropriated $4.6 million to fund the modernization plans even though the Nixon administration did not include the Tuskegee project in its revised budget submitted to Congress last April. The project has

been stalled in fiscal year 1970 because of a Nixon Executive order to all Federal departments and agencies to defer federally financed construction projects by 75 percent.

Dr. Wilson later advised the committee that following review of his budget plan and reported fund deficiences, VA's Central Office had provided supplemental funds in the amount of $88,440. He said $80,000 of the amount "will enable us to retain an additional 18 personnel on duty." He said the remaining $8,440 would be used to reduce the unfunded deficiency of $23,436 in the community nursing care program.

Mr. Speaker, these Alabama hospitals are doing the best they can to take care of the sick and disabled veterans who are in need of care, but they cannot accomplish their mission promptly and properly unless they get more funding and staffing assistance. I hope my colleagues will keep this in mind as the Congress considers future appropriation bills relating to the Veterans' Administration.

CIA, ACDA, AND DOD REPLY ON ISSUE OF ON-SITE MISSILE INSPECTION

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1970

Mr. HAMILTON. Mr. Speaker, I thought it would be of interest to my colleagues to read some recent correspondence between the CIA, the Arms Control and Disarmament Agency, the Defense Department and myself on the issue of on-site inspection of missile facilities. The letter to the CIA is identical to those sent to the other two agencies. I was struck by the uniformly sketchy responses, which I interpret as reflecting the administration's lack of interest in informing the Congress on this crucial topic.

The material referred to follows:

DECEMBER 2, 1969.

RICHARD HELMS,
Director, Central Intelligence Agency,
Washington, D.C.

DEAR MR. HELMS: Two key and related issues in the SALT talks are on-site inspection of missile facilities and the development of MIRVs. Lack of agreement on the former issue could lead to a continuation of the latter, with destabilizing results. The crucial questions are as follows:

(1) Is there any way to detect MIRV developments other than via on-site inspection?

(2) Would other means of detection provide sufficient intelligence?

I am most interested in your response to the above questions, and look forward to hearing from you.

Sincerely,

LEE H. HAMILTON, M.C.

CENTRAL INTELLIGENCE AGENCY,
Washington, D.C., December 21, 1969.

Hon. LEE H. HAMILTON,
House of Representatives,
Washington, D.C.

MY DEAR MR. HAMILTON: I have received your letter of 2 December 1969 inquiring about the detection of MIRV developments. As I am sure you are aware this question bears directly on our national policy in regard to the current SALT talks. For this reason, it lies primarily within the purview of the Arms Control and Disarmament Agency, and I believe they would be best qualified to respond to your inquiry.

Sincerely,

RICHARD HELMS,
Director.

U.S. ARMS CONTROL
AND DISARMAMENT AGENCY,
Washington, D.C., December 15, 1969.

Hon. LEE H. HAMILTON,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN HAMILTON: This is in reply to your letter of December 2 inquiring about the verification of MIRV developments.

There are some means, other than on-site inspection, by which Soviet MIRV developments might be detected. For example, these could involve the monitoring of flight testing during the developmental phase. The reliability of such means as these under various conditions and circumstances is a complex question that is currently under study.

I hope you will find this information useful.

Sincerely,

WILLIAM W. HANCOCK,
General Counsel.

ASSISTANT SECRETARY OF DEFENSE,
Washington, D.C., December 22, 1969.

Hon. LEE HAMILTON,
House of Representatives,
Washington, D.C.

DEAR MR. HAMILTON: The Secretary of Defense has asked me to reply to your letter of December 2 in which you asked:

"Is there any way to detect MIRV developments other than via on-site inspection?"

"Would other means of detection provide sufficient intelligence?"

The Department of Defense believes there are some means by which MIRV developments might be detected other than on-site inspection arrangements. The monitoring of fight testing during development is an example of how this might be accomplished. Whether such means could be monitored with the confidence required under all conditions is a complex problem that is under intensive study at this time. Therefore, it would be inappropriate to attempt to prejudge the outcome of these studies.

I hope this information proves helpful to you.

Sincerely,

YUAN-LI WU,
Deputy Assistant Secretary.

DIRECT ELECTIONS: AN INVITATION TO NATIONAL CHAOS

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1970

Mr. GOLDWATER. Mr. Speaker, there has been much discussion during recent months on the proposed constitutional amendment to provide for the direct election of the President. In a guest editorial in the January 30, 1970, issue of Life magazine, the noted political analyst and author, Mr. Theodore H. White, made some very thoughtful criticisms of these current proposals to elect the President by popular vote. These criticisms should be pondered by every Member of this House and I would like to include the article in the RECORD:

DIRECT ELECTIONS: AN INVITATION TO NATIONAL CHAOS

(By Theodore H. White)

Last September, in a triumph of noble purpose over common sense, the House passed and has sent to the Senate a proposal to abolish the Federal System.

It is not called that, of course. Put forth as an amendment to the Constitution, the new scheme offers a supposedly better way of electing Presidents. Advanced with the delusive rhetoric of vox populi, vox Dei, it not only wipes out the obsolete Electoral College but abolishes the sovereign states as voting units. In the name of The People, it proposes that a giant plebiscite pour all 70,000,000 American votes into a single pool whose winner—whether by 5,000 or 5,000,000 is hailed as National Chief.

American elections are a naked transaction in power—a cruel, brawling year-long adventure swept by profound passion and prejudice. Quite naturally, therefore, Constitution and tradition have tried to limit the sweep of passions, packaging the raw votes within each state, weighting each state's electoral vote proportionately to population, letting each make its own rules and police its own polls.

The new theory holds that an instantaneous direct cascade of votes offers citizens a more responsible choice of leadership—and it is only when one tests highminded theory against reality that it becomes nightmare.

Since the essence of the proposal is a change in the way votes are counted, the first test must be a hard look at vote-counting as it actually operates. Over most of the United States votes are cast and counted honestly. No one anymore can steal an election that is not close to begin with, and in the past generation vote fraud has diminished dramatically.

Still, anyone who trusts the precise count in Gary, Ind.; Cook County, Ill.; Duval County, Texas; Suffolk County, Mass.; or in half a dozen border and Southern states is out of touch with political reality. Under the present electoral system, however, crooks in such areas are limited to toying with the electoral vote of one state only; and then only when margins are exceptionally tight. Even then, when the dial riggers, ballot stuffers, late counters and recounters are stimulated to play election-night poker with the results, their art is balanced by crooks of the other party playing the same game.

John F. Kennedy won in 1960 by the tissue-thin margin of 118,550—less than ⅛ of one percent of the national total—in an election stained with outright fraud in at least three states. No one challenged his victory, however, because the big national decision had been made by electoral votes of honest-count states, sealed off from contamination by fraud elsewhere—and because scandal could as well be charged to Republicans as to Democrats. But if, henceforth, all the raw votes from Hawaii to Maine are funneled into one vast pool, and popular results are as close as 1960 and 1968, the pressure to cheat or call recounts must penetrate everywhere—for any vote stolen anywhere in the Union pressures politicians thousands of miles away to balance or protest it. Twice in the past decade, the new proposal would have brought America to chaos.

To enforce honest vote-counting in all the nation's 170,000 precincts, national policing becomes necessary. So, too, do uniform federal laws on voter qualifications. New laws, for example, will have to forbid any state from increasing its share of the total by enfranchising youngsters of 18 (as Kentucky and Georgia do now) while most others limit voting to those over 21. Residence requirements, too, must be made uniform in all states. The centralization required breaches all American tradition.

Reality forces candidates today to plan campaigns on many levels, choosing groups

and regions to which they must appeal, importantly educating themselves on local issues in states they seek to carry.

But if states are abolished as voting units, TV becomes absolutely dominant. Campaign strategy changes from delicately assembling a winning coalition of states and becomes a media effort to capture the largest share of the national "vote market." Instead of courting regional party leaders by compromise, candidates will rely on media masters. Issues will be shaped in national TV studios, and the heaviest swat will go to the candidate who raises the most money to buy the best time and most "creative" TV talent.

The most ominous domestic reality today is race confrontation. Black votes count today because blacks vote chiefly in big-city states where they make the margin of difference. No candidate seeking New York's 43 electoral votes, Pennsylvania's 29, Illinios' 26 can avoid courting the black vote that may swing those states. If states are abolished as voting units, the chief political leverage of Negroes is also abolished. Whenever a race issue has been settled by plebiscite—from California's Proposition 14 (on Open Housing) in 1964 to New York's Police Review Board in 1966—the plebiscite vote has put the blacks down. Yet a paradox of the new rhetoric is that Southern conservatives, who have most to gain by the new proposal, oppose it, while Northern liberals, who have most to lose, support it because it is hallowed in the name of The People.

What is wrong in the old system is not state-by-state voting. What is wrong is the anachronistic Electoral College and the mischief anonymous "electors" can perpetrate in the wake of a close election. Even more dangerous is the provision that lets the House, if no candidate has an electoral majority, choose the President by the undemocratic unit rule—one state, one vote. These dangers can be eliminated simply by an amendment which abolishes the Electoral College but retains the electoral vote by each state and which, next, provides that in an election where there is no electoral majority, senators and congressmen, individually voting in joint session and hearing the voices of the people in their districts, will elect a President.

What is right about the old system is the sense of identity it gives Americans. As they march to the polls, Bay Staters should feel Massachusetts is speaking, Hoosiers should feel Indiana is speaking; blacks and other minorities should feel their votes count; so, too, should Southerners from Tidewater to the Gulf. The Federal System has worked superbly for almost two centuries. It can and should be speedily improved. But to reduce Americans to faceless digits on an enormous tote board, in a plebiscite swept by demagoguery, manipulated by TV, at the mercy of crooked counters—this is an absurdity for which goodwill and noble theory are no justification.

EISENHOWER COMMEMORATIVE MEDAL

HON. JAMES A. McCLURE

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1970

Mr. McCLURE. Mr. Speaker, announcement has been made that an Eisenhower silver commemorative medal has been designed and is being offered for sale by the United States Coinage Corp. in Boston. This version is being minted in fine silver—0.999 fineness—at a price of $15 each. The medal is dollar sized and will contain somewhat less than 1 troy ounce of silver.

On one side the medal carries the legend "Thirty-fourth President of the United States, Born October 14, 1890, Died March 28, 1969." This surrounds a design showing the U.S. eagle. On the reverse side is a bas relief bust of General Eisenhower with his name and the date 1969.

Let this dispel any doubts that there is a demand for a commemorative coin honoring Dwight D. Eisenhower. The American people want a coin honoring Ike, and they want it composed of silver.

DECENCY BACKLASH IN CALIFORNIA

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1970

Mr. RARICK. Mr. Speaker, it appears from a wire service story last week that the people of Anaheim, Calif., have regained control of their school board and thus of the education of their children. This success will encourage other decent parents elsewhere in the country to continue the struggle for the minds and morals of their children.

The modern manipulators seem to have trouble understanding a very simple thing about the American people. They love their children and intend to protect them from manipulation so that they, too, can grow up to become decent Americans.

For this reason, with God now barred from classes, morality sneered at in schools, and sex taught simply as a hedonistic technique, they have had enough.

The results of immorality—indeed, amorality—as it is made to look attractive to our youngsters were pointed up in the recent New York City requirement for emergency delivery tables and trained personnel to deliver babies in all of the city schools. Two other stories, one from Washington, and one from the City of Brotherly Love, point out the end of the road down which the sexologists seek to lead our youth.

I include the pertinent clippings in the RECORD:

[From the Fort Myers (Fla.) News-Press Jan. 25, 1970]

SEX EDUCATOR OUT IN SCHOOL BATTLE

ANAHEIM, CALIF.—Six years ago a small-town educator launched the nation's most controversial sex-in-the-classroom program.

Now the program is temporarily out and the educator is permanently out.

"Officially, I resigned," says Paul W. Cook, 60, superintendent of the 35,000-student Anaheim Union High School District. "Actually, I was forced out by a school board which yielded to a deliberate campaign by a noisy minority."

Cook is the central figure in a controversy which has focused national attention on the mores of this city of 165,000, heretofore best known as the home of Disneyland and the California Angels baseball team.

The district's family life and sex education courses, voluntary but attended by 95 per cent of students in grades 7 through 12, have been accused by some of ruining the lives of thousands of children by exposing them to sex too early, and praised by others as a source of truth for confused adolescents.

Parental permission was required before students could take the courses. The response at first was generally enthusiastic, Cook says, but some parents who originally favored the program have turned against it, fearful of creating an unwanted image for their city.

ELECTION ISSUE

Sex education was the major issue in a recent school trustee election and two men who opposed Cook's policies won posts on the five-man board. Shortly afterward the sex education program was suspended and Cook was, as he phrases it, "stripped of administrative duties."

His $30,000-a-year contract had two years to run but a settlement was reached under which he remains as consultant until the end of the school year.

Cook, superintendent since 1957, put his career on the line a year ago when he rejected demands by some townsmen that he modify or drop the program, which he says was "about 15 per cent concerned with sex and the rest with human relations in the family."

"Eighty per cent of the parents and virtually all of the students liked the program and wanted it continued," he says, "so I decided to stay with it. I could not turn my back on the youngsters' need to mature normally, to find honest and scientific answers to the questions raised by the deviate and pornographic movies, magazines and books to which they are constantly exposed."

BIRCH SOCIETY

Cook believes the attack on sex education in Anaheim is a part of a national campaign started by the Christian Crusade of Tulsa, Okla., headed by Fundamentalist Preacher Billy James Hargis, and later taken up by the John Birch Society, a power in the politics of Anaheim, Santa Ana and other areas of Southern California's rich and conservative Orange County.

"They concentrated on us because our program was successful," he said. "We sold more than 1,600 copies of our course outline at $10 each, mostly to other school districts."

Whatever the reason, Rex Westerfield, western director of public relations for the Birch Society, said in his headquarters at San Marino, Calif.: "We do feel responsible to some extent for Mr. Cook being out of work. It appears our campaign against sex education in the schools has been effective in Anaheim."

[From the Miami (Fla.) Herald, Jan. 19, 1970]

LET PREGNANT GIRLS STAY IN SCHOOL, HEW RESEARCHER URGES

WASHINGTON.—Most of the estimated 200,000 teenaged girls who get pregnant this year will be ordered out of school at least until their children are born.

School officials have justified this action for years in various ways. "It's for the girl's own good . . . she might get bumped in the hall or the other girls will laugh at her," is one common argument.

Others take a "moral" stand, insisting that to let a pregnant girl continue to attend classes regularly would be "to condone sin."

Still others fear the pregnancy might be contagious, both figuratively and literally. "Would you allow a typhoid carrier in the classroom?" asked one school attorney during a recent legal test of such policies.

Marion Howard, a maternal and child health researcher at the Health, Education and Welfare Department, is out to stop this practice—mainly because many of the girls ordered to leave school will never return and thus lose the education needed later in life to be understanding and helpful mothers.

"They are mothers at 14 or 15 whether we like it or not," Miss Howard noted in an interview. "What we are trying to do is to improve their mothering ability and help them become complete girls."

This reasoning has led Miss Howard to organize the first national conference on school-aged pregnancies. It will be held here Thursday through Saturday under the auspices of Yale University, the University of Pittsburgh and HEW.

The idea is to exchange information about the problems involved in a teen-aged pregnancy, whether the mother is married or not, and among those participating in the conference will be 12 girls—some pregnant, the rest young mothers—from Baltimore, the District of Columbia, Syracuse, N.Y., and Dayton, Ohio.

Miss Howard said the number of pregnant teenagers is increasing by about 3,000 each year. About 60 per cent of the girls will be married when their child is born, she said, but most of them still will be considered medical and social "risks."

The basis for such attitudes lies in statistics, Miss Howard said. In New York City, for example, 55 per cent of all women on welfare had their first child when they were 18 or younger.

[From the Miami (Fla.) Herald, Jan. 19, 1970]

MATERNITY BENEFITS FOR UNWED MOMS

PHILADELPHIA.—Unmarried women who work for three supermarket chains in a tri-state area can collect maternity benefits under a new contract. A union official said it was included "to keep our hippies and flower children happy."

The contract took effect following ratification by members of seven locals of the Retail Clerks Union at Food Fair, A & P and Acme Markets in eastern Pennsylvania, Delaware and southern New Jersey.

Wendell W. Young, president of Local 1357 here, said the maternity benefits for 14,000 part and full-time employes were included "because we have to keep our hippies and flower children happy."

Management balked at first, Young said, "but we're not questioning morality here. Someone in those circumstances needs the money just as well as the next person."

Young said the girls themselves asked the union to seek the benefits.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,400 American prisoners of war and their families.

How long?